

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.3893 of 2018
Date of Decision : 01.06.2018**

Mona

.....Petitioner

Versus

Surender Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.D.D.Sharma, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner-judgment debtor is aggrieved by an order dated 10.05.2018 (Annexure P-4), passed by the Civil Judge (Jr. Divn.), Hisar, whereby her application to stay the execution proceedings has since been dismissed.

A decree dated 29.01.2016, for recovery of Rs. 2,72,000/- with interest was passed against the father, brother, sister as also against the petitioner herself. For, the petitioner was proceeded against ex parte in those proceedings, she moved an application under Order 9 Rule 13 of the C.P.C, for setting aside of the ex parte decree dated 29.01.2016, which is since pending. But as the said decree is being executed, the petitioner/judgment debtor moved an application before the executing Court to stay the execution proceedings which has since been rejected. It is not disputed that no Court of competent jurisdiction has granted stay as regards the execution of the decree in question.

On being pointedly asked, learned counsel for the petitioner could not clarify if a similar application for setting aside the execution proceedings was moved by the petitioner even in the proceedings under Order 9 Rule 13 of the C.P.C. That being so, the application moved by the petitioner for setting aside the execution proceedings was apparently misconceived.

In conspectus of the above, I am dissuaded to interfere, in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition is accordingly, dismissed.

01.06.2018

*Manoj Bhutani***(ARUN PALLI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No