

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

259

CR No.4056 of 2017 (O & M)
Date of Decision:19.04.2018

Swaran Singh

...Petitioner

Versus

Bahadur Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Benipal, Advocate
for the petitioner.

ANIL KSHETARPAL, J.(Oral)

Defendant-petitioner is in the revision petition against the order passed by the learned trial Court refusing to stay execution proceedings during the pendency of an application under Order 9 Rule 13 of the Code of Civil Procedure filed by the defendant-petitioner for setting aside ex parte judgment and decree.

At the time of hearing, learned counsel for the petitioner has pointed out that proceedings in the application under Order 9 Rule 13 of the Code of Civil Procedure have made substantial progress and the petitioner is on the verge of closing his evidence and the case is fixed for 09.05.2018. Learned counsel has undertaken that the petitioner would conclude his evidence on 09.05.2018.

While issuing notice of motion, this Court had directed the learned Executing Court to maintain status quo as it exists on the date of issuance of notice of motion.

Taking into consideration that the interim order passed by this Court has remained operative for a period of 9 months, therefore, it is

considered appropriate that the revision petition be disposed of with direction to the learned trial Court to finally decide the application under Order 9 Rule 13 of the Code of Civil Procedure within a period of 6 months from the date of receipt of certified copy of the order.

In the meantime, interim order granted by this Court shall continue to operate. However, if the petitioner seeks any unnecessary adjournment, Court would be at liberty to proceed with the execution petition.

Revision petition is disposed of.

19.04.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No