

In the High Court of Punjab and Haryana at Chandigarh

133

CR No.4149 of 2018 (O&M)

Date of decision: 10.9.2018

SEESO

.....petitioner

Versus

BEERU RAM TH LR AND ORS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(oral)

Admittedly, proceedings under Order 9 Rule 13 CPC are pending before the trial Court whereas the application for interim stay has not been decided so far. Now the case is pending for 9.10.2018 for further proceedings.

In view of **Narender Kumar vs. N.K.Electronics** **2010 (5) RCR (Civil) 697**, the Executing Court can adjourn the execution proceedings in terms of Order 21 Rule 26 CPC for a reasonable time in order to enable the judgment debtor to apply for interim stay in pending proceedings under Order 9 Rule 13 CPC. The Executing Court can adjourn the execution proceedings or can grant stay for the aforesaid limited purpose. Since the application for interim stay in the proceedings under

Order 9 Rule 13 CPC is also fixed for 9.10.2018, I deem it appropriate to dispose of this revision petition with a direction to the trial Court to dispose of the pending application for interim stay on the date fixed or ten days thereafter, in accordance with law. Till such time, the Executing Court shall not proceed further with the execution.

Petition stands disposed of accordingly.

September 10, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No