

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

Civil Revision No.4224-2018

Date of Decision:12.07.2018

Mohd. Shakil deceased through LRsPetitioners

Vs.

Mohd. NasarRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Mohd.Yousaf, Advocate,
for the petitioners.

Mr.Anil Kumar Garg, Advocate,
for respondent.

AMOL RATTAN SINGH, J. (Oral)

By this revision petition the petitioners seek to set aside the order dated 18.04.2018 (Annexure P-5) passed by the executing Court (learned Civil Judge (Jr. Division.), Malerkotla), whereby the objections of the petitioners (judgment debtors) have been dismissed.

When this Court was not inclined to interfere in the impugned order in view of the fact that, as submitted by learned counsel for the respondent, the application under order 9 rule 13 CPC was filed by the petitioners in January, 2018, with even the property having been attached in July 2017, learned counsel for the petitioners submits that the petitioners were not aware even of the attachment, as the possession of the property has not been taken (as per his contention).

Without going into the correctness of that contention or otherwise, in view of the fact that the application under order 9 rule 13 CPC is still pending, in the opinion of this Court the petitioners may be granted

three months time to adduce whatever evidence they wish to before the trial Court, in respect of the application under order 9 rule 13 CPC, i.e. upto 12.10.2018, during the pendency of which the execution proceedings shall remain stayed, subject to the petitioners depositing Rs.50,000/- within 10 days from today with the executing Court, with another Rs.50,000/- to be deposited within 3 weeks thereafter, failing which the executing Court will convey to the Court seized of the application under order 9 rule 13 CPC, that the said amounts have not been deposited, and the executing Court would itself then proceed with the execution proceedings.

Learned counsel for the respondent undertakes to file a reply to the application under order 9 rule 13 CPC, before the date fixed in the trial Court, i.e. 17.07.2018.

The trial Court is also directed to dispose of the application filed under order 9 rule 13 CPC within a period of 5 months from today.

The aforesaid period of 5 months would not be construed to be a leverage given to parties before the executing Court to prolong proceedings in the execution petition, if the amounts undertaken to be deposited by the learned counsel for the petitioners are not deposited.

Disposed of.

July 12, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned	: YES/NO
Whether Reportable	: YES/NO