

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

C.R.No.4490 of 2018

Date of Decision: 30.08.2018

Amarjit Singh

....Petitioner

Versus

Gurmukh Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Ashok Paul Batra, Advocate for the petitioner.

Mr. G.S. Nagra, Advocate for the respondent.

B.S.WALIA, J (ORAL)

[1] Challenge in this revision petition is to order dated 03.5.2018 (P.5) whereby the learned Addl. Civil Judge (Sr. Division), Rupnagar dismissed the application filed by the petitioner-JD for staying the execution proceedings till final decision of application under Order 9 Rule 13 CPC.

[2] Learned counsel for the petitioner by relying upon the decision rendered in **Davinder Pal Singh and another vs. Narinder Pal Singh and another 2016 (3) RCR (C)194** contends that execution proceedings ought to have been stayed till the decision on the application under Order 9 Rule 13 CPC.

[3] Learned counsel for the respondent does not dispute the aforesaid proposition of law. He, however, contends that the learned court below before whom the application under Order 9 Rule 13 CPC is pending be directed to decide the same within stipulated period of time.

[4] I have considered the submissions made by learned counsel for the parties and find the stand of learned counsel for the respondent to be fair

and genuine.

[5] Accordingly, revision petition is allowed. Impugned order dated 03.5.2018 is set aside and the learned Addl. Civil Judge (Sr. Division), Rupnagar before whom the said application is stated to be pending is directed to decide the same as expeditiously as possible, preferably within a period of three months from the date of receipt of certified copy of this order.

August 30, 2018
manoj

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No