

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4885 of 2018

Date of Decision: 06.08.2018

Jagdish Singh

.....Petitioner

Vs.

Kulwinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. G.C. Garg Dhuriwala, Advocate, with
Mr. Ishwar C. Garg, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petition challenges the order of the learned Executing Court dated 28.10.2017 (copy Annexure P-1), by which issues have been framed by that Court, upon the objections filed by respondents no. 3 to 5 herein, against execution of the decree passed in favour of the present petitioner in Civil Suit No. 17 of 2003.

Learned counsel for the petitioner submits that the decree being an *ex parte* decree against respondents no. 1 and 2 herein (defendants in the suit), an application under Order IX Rule 13 was filed by them, which was allowed by the Civil Court but with that order having been set aside by this Court on 18.02.2015, passed in CR No. 2586 of 2011 (copy Annexure P-2).

Undoubtedly, the present objectors who contend that they are purchasers of the suit land, were not defendants either in the suit, nor were they parties to the *lis* in CR No. 2586 of 2011.

That being so, I see no reason to hold that they are not entitled to file such objections, which in any case even a person against whom an *ex parte* decree is passed has a right to do.

However, since the impugned order is dated 28.10.2017, with learned counsel submitting that thereafter no effective proceedings have taken place, this petition is disposed of with a direction to the executing Court to ensure that any unnecessary adjournments sought by the objectors shall be dealt with as such, and the execution proceedings taken to their logical conclusion within six months.

August 06, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes