

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

CR no.5555 of 2018

Date of Decision: 22.11.2018

Kulbir Singh

...Petitioner

Vs.

Kuldeep Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vikas Gupta, Advocate, for the petitioner.

Amol Rattan Singh, J (Oral)

Pursuant to the orders of this Court dated 22.10.2018 and 12.11.2018, a report of the learned Additional Civil Judge (Sr. Divn.), Khadur Sahib, dated 19.11.2018, has been received, giving therein the various dates on which the application of the respondent-judgment debtor, filed under Order 9 Rule 13 CPC, came up for hearing before that court, with it eventually stated that the application was last fixed for hearing on 20.11.2018, for the applicant to conclude his evidence, after which the trial court has stated that it would decide the application expeditiously.

That being so, this petition is disposed of with a direction, firstly, that the trial court would effectively decide the application filed under Order 9 Rule 13 CPC within a period of one month from today and if the said application is dismissed, then the petitioner herein, i.e. the decree-holder, would not be required to file another execution application for execution of the decree but the application already filed by him, would stand revived with the executing court to thereafter proceed from the stage that it was dismissed vide the impugned order.

Of course, if the application under Order 9 Rule 13 CPC is allowed, this order, as regards revival of the execution application, would

become inoperable.

22.11.2018
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : Yes