

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

CR No.6154 of 2018

Date of Decision :20.11.2018

Jagdish Singh

....Petitioner

VERSUS

Sukhwant Singh

...Respondent

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

Present: Mr. Ram Kumar Chauhan, Advocate for the petitioner.

Mr. Kuldeep Singh, Advocate for the respondent.

B.S. WALIA, JUDGE (Oral)

1. On hearing learned counsel for the parties, it emerges that the suit filed by the respondent-plaintiff was decided ex parte vide judgment and decree dated 16.9.2015. Application under Order 9 Rule 13 CPC was filed shortly thereafter by the petitioner-defendant but the same has not been decided till date and that although an application was moved for stay of the proceedings before the Executing Court in view of the pendency of the application under Order 9 Rule 13 CPC, the same was declined by the learned Executing Court vide order dated 8.8.2018 (Annexure P-6).

2. After hearing learned counsel for the parties, it is deemed just and proper to dispose of the revision petition by directing the learned trial Court to decide the application under Order 9 Rule 13 CPC as expeditiously as possible preferably within a period of four months and in the meantime, the execution proceedings pending before the learned Executing Court shall remain in abeyance.

3. Accordingly, the impugned order is set aside in the light of the decision in **Makhan Singh and others versus Harbans Lal and another, 2017(1) RCR (Civil) 288**. Further action to be taken in the execution proceedings would be subject to the outcome of the application under Order 9 Rule 13 CPC.

4. Revision petition is disposed of in the aforementioned terms.

November 20, 2018
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No