

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

**CR-7097-2016 (O&M)
Date of decision : 16.01.2018**

Amarjit Singh

..... Petitioner

Versus

Greater Mohali Area Development Authority Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Varun Garg, Advocate for the petitioner.
Mr. Vaibhav Sharma, Advocate for the respondent.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Petitioner has impugned the orders dated 16.2.2016 (Annexure P-1) and dated 1.10.2016 (Annexure P-2) passed by learned Civil Judge (Junior Division), SAS Nagar, Mohali.

It comes out that a decree for permanent injunction was passed restraining the defendants from interfering the peaceful possession of the plaintiff. Plaintiff seeks to execute the said decree. Vide order dated 16.2.2016 (Annexure P-1), the judgment-debtor was proceeded against ex-parte. The trial Court has fixed the execution for ex-parte evidence of decree holder.

I am of the view that when the decree is to be executed, no ex-parte evidence is required to be led by decree holder. Decree is required to be executed, in accordance with law and the impugned order so far as asking the decree holder to produce the ex-parte order is set aside.

Now, coming to second order dated 1.10.2016 (Annexure P-2), passed by learned Civil Judge (Junior Division), SAS Nagar, Mohali, an application filed by judgment-debtor under Order 9 Rule 7, CPC for setting aside the order dated 16.2.2016 (Annexure P-1), vide which he was proceeded ex-parte has been allowed.

I am of the view that even if the judgment-debtor is proceeded ex-parte in the execution proceedings, he can join the proceedings at any stage, therefore, the judgment-debtor is allowed to join the proceedings at any stage, revision qua order dated 1.10.2016 (Annexure P-2) is disposed of accordingly. Executing Court is directed to expedite the execution proceedings.

In view of above, present petition stands disposed of.

(KULDIP SINGH)
JUDGE

16.01.2018
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Whether speaking / reasoned
Whether Reportable:

Yes
No