

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 128

CR-7137-2018

Date of decision :22.10.2018

Parkash Kaur

..... Petitioner

VERSUS

Raghubir Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P. S. Thiara, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 03.10.2018, passed by the Additional Civil Judge (Senior Division), Sangrur (for short, the Trial Court), through which warrants of attachment of the properties of the petitioner, as per the list given by respondent No. 1, have been issued.

It is not disputed that respondent No. 1 filed a suit for recovery against the petitioner and respondents No. 2 and 3 which, through an *ex parte* decree dated 12.01.2007, was decreed for an amount of ₹2 lakhs alongwith 12% interest per annum and that the petitioner and respondents No. 2 and 3 filed an application under Order 9 Rule 13 CPC for setting aside the aforesaid *ex parte* decree dated 12.01.2007 which was dismissed by the Trial Court on 06.08.2018. It is further not disputed that against the aforesaid dismissal of their application under Order 9 Rule 13 CPC, the petitioner alongwith respondents No. 2 and 3 have preferred an appeal before the Appellate Court and that alongwith their appeal they have also filed an application for stay of the operation of the aforesaid *ex parte* decree on which application till date no final order has been passed.

Only in view of the above admitted position that the petitioner's appeal against the dismissal of her application under Order 9 Rule 13 CPC in which she also filed an application for stay is pending before the Appellate Court, this Court at this stage, is not inclined to interfere. However, this order would not preclude the petitioner from pursuing her aforesaid application for stay filed and pending before the Appellate Court and if she does so, the Appellate Court is directed to take a final decision thereupon expeditiously in accordance with law.

The present petition is disposed of in the above terms.

22.10.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No