

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

CR-7966-2017 (O&M)

Date of decision : 15.5.2018

Ishwar Dutt

..... Petitioner

Versus

Gulab Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Lajpat Sharma, Advocate for the petitioner.

Mr. Harpal S. Chopra, Advocate for
Mr. Rajinder Nain, 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)

Impugned in the present revision petition is the order dated 7.9.2017 (Annexure P-5) passed by learned Additional Civil Judge (Senior Division), Guhla, District Kaithal vide which objections filed by petitioner-judgment debtor in the execution petition No. 282/2016 titled as Gulab Singh versus Ishwar Dutt were dismissed.

Heard.

It comes out that ex-parte decree has been passed against the petitioner in a suit for possession by way of specific performance of the agreement to sell dated 26.7.2010. Petitioner has filed an application for setting aside the ex-parte judgment and decree but in the meanwhile execution was filed. In the execution, objections were filed that till the pendency of the application under Order IX Rule 13 of the Code of Civil

Procedure 1908, execution should be adjourned sine die which has been declined by the Executing Court vide order dated 7.9.2017 (Annexure P-5).

I find no illegality or infirmity in the order dated 7.9.2017 (Annexure P-5) passed by the Executing Court. Executing Court is to faithfully execute the decree. Mere pendency of the application filed under Order IX Rule 13 of the Code of Civil Procedure, 1908 is no ground to stay the execution. However, petitioner is always at liberty to file an application for stay of the operation of the ex-parte judgment and decree in the proceedings under Order IX Rule 13 of the Code of Civil Procedure 1908. If the petitioner fails to get any relief, he can always challenge the same before the higher Court.

It being so, present revision petition is dismissed. However, at the same time, direction is issued to the learned trial Court to expeditiously dispose of the application filed under Order IX Rule 13 of the Code of Civil Procedure, 1908. It is further directed that if the present petitioner files an application for stay of the decree, the same be also decided expeditiously without any delay.

Dismissed.

Since the main petition is dismissed, the miscellaneous application pending, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

15.5.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No