

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8171 of 2018

Date of Decision: 04.12.2018

Sikander Singh and another

.....Petitioners

Vs.

Manjeet Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sunny K. Singla, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioners challenge the order of the learned Civil Judge (Junior Division), Malerkotla, (Execution Court), dated 14.11.2018, by which their application (as judgment-debtors), seeking a stay on the execution proceedings has been dismissed, with warrants of possession, of the property attached, issued for 24.01.2019.

The contention of the petitioners that their application under Order IX Rule 13 CPC was still pending before the trial Court was rejected by the execution Court on the ground that as per the law laid down by this Court in **Pritam Kaur vs. State Bank of India and others** 2014 (1) CCC 417, pendency of such an application was no ground to stay execution proceedings.

The date of final hearing in the application under Order IX Rule 13 CPC is stated to be 07.01.2019, as disclosed by learned counsel for the petitioners, on query.

That being so, this petition is disposed of with a direction to the execution Court that the said application be decided expeditiously, prior to 24.01.2019, it already being at the stage of arguments (as contended) and till such time, the warrants of possession ordered to be issued (though with the next date for return of the warrants being 24.01.2019), be not executed.

It is made clear that if adjournments are sought by counsel for the petitioners in the application under Order IX Rule 13, this order will be deemed to have not been passed.

December 04, 2018
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes