

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.965 of 2016 (O&M)
Date of Order:23rd May, 2018

Pinder Devi

..Petitioner

Versus

Avtar Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J.

Judgment Debtor-petitioner is in the revision petition against the order passed by the learned Executing Court, dated 12.10.2015, dismissing the objection petition filed by the petitioner.

In the present case, an ex-parte judgment and decree was passed in favour of the decree holder on 27.07.1990. Decree holder filed an execution petition. However, in the meantime, petitioner filed an application for setting aside ex-parte judgment and decree under Order 9 Rule 13 of the Code of Civil Procedure. Learned Executing Court consigned the execution petition to record during the pendency of the application under Order 9 Rule 13 of the Code of Civil Procedure. The application under Order 9 Rule 13 of the Code of Civil Procedure was dismissed on 20.03.1997. Thereafter, the petitioner filed another suit challenging the decree dated 27.07.1990. The aforesaid suit was also dismissed on 09.09.2008. Decree holder filed an application for revival of the execution petition which was unfortunately dismissed by the court on the ground that such application has been filed

after a long time. Defendant-petitioner filed objections objecting to maintainability of execution petition. The court after considering that the period when the execution petition was consigned to record on account of pendency of the application under Order 9 Rule 13 of the Code of Civil Procedure, is required to be excluded while calculating the limitation for filing execution petition, has dismissed the objection petition. This court has further noticed that even the order passed by the executing court refusing to revive the previous execution petition has also been set aside by the High Court vide order dated 16.11.2010.

In view of the aforesaid, there is no ground to interfere with the order passed.

The revision petition is dismissed.

23rd May, 2018
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(ANIL KSHETARPAL)
JUDGE

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