

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1196 of 2018O&M)
Date of Decision: 05.03.2019

Bhangu Trading Co. and anotherPetitioners
Versus
Ashok Kumar and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Anil Kumar Garg, Advocate
for the petitioners.

Mr. Naveen Sharma, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition has been preferred by the petitioners against the order dated 18.01.2018 passed by the executing Court vide which the objections filed by the petitioners were dismissed.

[2]. Perusal of the record would show that the suit for recovery filed by the plaintiff was decreed ex parte against the petitioners by the trial Court vide judgment and decree dated 08.10.2015. Against the aforesaid order, an application under Order 9 Rule 13 CPC was filed by the petitioner for setting aside the ex parte judgment and decree. During pendency of the aforesaid application, the execution was carried out by the

decree holder and the petitioners filed objections therein. Against the dismissal of the objections, the present revision petition has arisen.

[3]. During course of arguments, learned counsel for respondent No.1 has pointed out that even the application under Order 9 Rule 13 CPC filed by the petitioners has since been dismissed by the trial Court against which appeal is pending before the Additional District Judge, Ludhiana.

[4]. Since the suit for recovery was decreed ex parte and a money decree has been passed against the petitioners, it would be just and expedient to ask the petitioners to deposit the entire decretal amount along with interest till date before the executing Court within a period of one month. In the event of depositing the aforesaid amount, respondent/decree holder would be entitled to receive the amount after executing the security to the satisfaction of the executing Court. In the event of acceptance of the appeal by the Lower Appellate Court, normal consequences to follow.

[5]. Disposed of.

05.03.2019

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**