

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

**CR No.5209 of 2016
Date of Decision:04.07.2019**

ATMA SINGH

...Petitioner

Versus

BALWANT SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vivek Salathia, Advocate
 for the petitioner.

 Mr. Nakul Sharma, Advocate
 for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 04.04.2016 passed by the Additional Civil Judge (Sr.Division), Patti dismissing the application filed by the petitioner seeking stay of execution of *ex parte* judgment and decree dated 11.05.2012 through which the respondent had been held entitled to recover from the petitioner an amount of ₹4,84,000/-, along with interest. The petitioner had sought stay of the execution proceedings on the ground of pendency of an application filed by him before the Trial Court under Order 9 Rule 13 CPC for setting aside of the aforesaid *ex parte* judgment and decree dated 11.05.2012.

At the outset, learned counsel for the parties submitted that since the application filed by the petitioner under Order 9 Rule 13 CPC for setting aside the above mentioned judgment and decree dated 11.05.2012

has been dismissed by the Trial Court and such order has been challenged by the petitioner in appeal in which he has filed an application for seeking stay of the execution proceedings, the present petition has been rendered infructuous.

Ordered accordingly.

It is clarified that the disposal of the present petition would not preclude the petitioner from seeking interim orders, in accordance with law, in the appeal filed by him against the dismissal of his application under Order 9 Rule 13 CPC by the Trial Court.

July 04, 2019

(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No