

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

111/251

CM-9980-CII-2019 in/and

C.R.No.4945 of 2017

Decided on : 07.05.2019

M/s Amrit Sales Corporation

... Petitioner

Versus

Manohar Lal

.. Respondent

CORAM : HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present : Mr.Manuj Nagrath, Advocate
for the petitioner.

Mr.Rahul Rampal, Advocate
for the applicant-respondent.

Sudip Ahluwalia, J. (Oral)

CM No.9980 CII of 2019

For the reasons mentioned in the application, Legal Representative(s) of the deceased-respondent, Manhoar Lal, are permitted to be substituted in his place after accepting the amended memo of parties.

CR No.4945 of 2017

This revision petition is directed against the order dated 17.7.2017 (Annexure P-6) passed by the learned Civil Judge (Jr.Divn.) Ludhiana whereby the application of the petitioner under Order 9 Rule 13 read with Section 151 CPC in which he had sought for setting aside the ex parte judgment of eviction passed against him in the original rent petition and which is still pending.

2. The aforesaid application under Order 9 Rule 13 read with Section 151 CPC was accompanied by a separate application seeking stay of the execution of eviction decree.

3. A perusal of the impugned order shows that the learned Trial Court had simply given a notice to the opposite party. The petitioner thereafter approached this Court since execution of the Warrants of Possession against him had only been temporarily stayed in the concerned proceedings. It transpires that till now the application under Order 9 Rule 13 read with Section 151 CPC is still pending and it is submitted on behalf of the respondents that under some misconception even their Reply against the same has not been taken on record.

4. In the given circumstances and after hearing counsel for both the parties, this revision petition is disposed off with a direction that the respondent shall file his reply against the main application under Order 9 Rule 13 read with Section 151 CPC along with other interim relief application, if any, in the said proceedings on or before the next date fixed i.e. 30.5.2019. Ld. Trial Court, thereafter, shall endeavor to decide the said application on merits expeditiously as possible, preferably within three months from the next date fixed after 30.5.2019. Till an appropriate order is passed upon the stay application by the Ld. Trial Court in terms of protection granted to the petitioner by this Court earlier on 28.07.2017, the said order will continue to operate.

This petition stands disposed of.

[SUDIP AHLUWALIA]
JUDGE

07.05.2019

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Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No