

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

**CR no.5073 of 2018**

**Date of Decision: 29.04.2019**

Lakha Singh

...Petitioner

Vs.

Daler Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. Virender Kumar, Advocate,  
for the petitioner.

Mr. Atul Gaur, Advocate, for  
Mr. Sumeet Goel, Advocate,  
for the respondent.

**Amol Rattan Singh, J (Oral)**

By this petition, the petitioner challenges the order passed by the learned executing court dated July 25, 2018, by which his application seeking adjournment of execution proceedings *sine die*, till the decision of his application filed under Order 9 Rule 13 of the CPC, has been dismissed.

Notice having been issued in this petition, learned counsel appears for the respondent and submits that no application for staying execution proceedings having been filed along with the application under Order 9 Rule 13 CPC, the present petition is not maintainable.

Having considered the matter, though learned counsel for the respondent may not be entirely incorrect in making his submission, however, in the interest of justice, it is considered appropriate that execution proceedings remain stayed during the pendency of the application filed by

the petitioner under Order 9 Rule 13 CPC.

Consequently, while allowing this petition and setting aside the impugned order, thereby directing the executing court to adjourn the proceedings sine die till the decision of the aforesaid application, the trial court is directed to decide the said application within a period of 3 months from today.

Nothing stated hereinabove shall be taken as a comment of this Court on the actual merits of the application filed by the petitioner.

**29.04.2019**  
vcgarg/dinesh

**(Amol Rattan Singh)**  
**Judge**

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