

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

**CR No.6678 of 2018(O&M)
Date of Decision: 29.04.2019**

Gurcharan SinghPetitioner
Versus
Dalbir Singh through LRsRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. A.P. Kaushal, Advocate
for the petitioner.

Mr. Kulwant Singh, Advocate
for the respondent(s).

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition has been preferred by the petitioner against the order dated 03.08.2018 passed by Civil Judge (Civil Division), Ludhiana vide which application for staying the execution during pendency of the application under Order 9 Rule 13 CPC was dismissed.

[2]. While issuing notice of motion on 04.10.2018, following order was passed:-

“Learned counsel for the petitioner contends that in the application under Order 9 Rule 13 CPC, an application for stay of execution proceedings was also filed and the same is now fixed for 01.11.2018.

Learned counsel relies upon Narinder Kumar

Vs. M/s N.K. Electronics, 2010(5) RCR (Civil) 697 to further contend that in terms of Order 21 Rule 26 CPC, the Executing Court can adjourn the execution proceedings for a reasonable time so as to enable the judgment debtor/petitioner to obtain appropriate order.

Notice of motion for 22.01.2019.

Till the next date of hearing, warrants of possession may not be executed.”

[3]. After passing of the aforesaid order, interlocutory orders passed by Civil Judge (Junior Division), Ludhiana would read as under:-

“Present: Sh. S.S. Kalsi, Adv., counsel for applicant/defendant.

Respondents/plaintiffs ex parte.

No ex parte evidence is present. On request, case is adjourned to 25.01.2019 for ex parte evidence of applicant.

Dated:-29.11.2018

(Ankit Airi)
Civil Judge (Junior Division)
Ludhiana.

Present: Sh. S.S. Kalsi, Adv., counsel for applicant/defendant.

Respondents/plaintiffs ex parte.

No ex parte evidence is present. On request, case is adjourned to 15.02.2019 for ex parte evidence of applicant.

Dated:-25.01.2019

(Ankit Airi)
Civil Judge (Junior Division)
Ludhiana.

Present: Sh. S.S. Kalsi, Adv., counsel for
applicant/defendant.

Respondents/plaintiffs ex parte.

No ex parte evidence is present. On request,
case is adjourned to 19.03.2019 for ex parte evidence
of applicant.

Dated:-15.02.2019

(Ankit Airi)
Civil Judge (Junior Division)
Ludhiana.

Present: Sh. S.S. Kalsi, Adv., counsel for
applicant/defendant.

Respondents/plaintiffs ex parte.

No ex parte evidence is present. On request,
case is adjourned to 29.04.2019 for ex parte evidence
of applicant.

Dated:-19.03.2019

(Ankit Airi)
Civil Judge (Junior Division)
Ludhiana.”

[4]. Evidently, after obtaining interim direction from this
Court, no effort was made by the petitioner to press the pending

application for interim stay filed along with the application under Order 9 Rule 13 CPC which is statedly pending before the trial Court. The scope of Order 21 Rule 26 CPC is very limited i.e. to enable the judgment debtor to seek appropriate order in the substantive proceedings i.e. Order 9 Rule 13 CPC. For that limited purpose, this Court granted indulgence so as to allow the petitioner to seek appropriate order in the proceedings under Order 9 Rule 13 CPC. It appears that after obtaining interim direction from this Court, petitioner kept on seeking adjournments before the trial Court.

[5]. In view of above, interim order dated 04.10.2018 is vacated and no scope is left to interfere in this revision petition except to direct the trial Court to decide the application under Order 9 Rule 13 CPC at the earliest.

[6]. Disposed of.

29.04.2019

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**