

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

CR No.2923 of 2019

Date of Decision : 06.05.2019.

Vipin Kumar (deceased) through his L.Rs.

...Petitioner

Versus

Gareesh Kumar

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Rakesh Bhatia, Advocate for the petitioner.

B.S.WALIA, J. (Oral)

1. Learned counsel for the petitioner contends that suit was decreed in favour of the respondent-plaintiff against a dead person i.e. predecessor-in-interest of the petitioner namely Vipin Kumar and that pursuant to impleadment of the petitioner as L.Rs. of deceased Vipin Kumar, an application under order 9 Rule 13 Code of Civil Procedure was moved before the learned trial Court while the application for stay of the execution proceedings was moved before the learned Executing Court.

2. Grievance is that till date decision has not been taken on the application under Order 9 Rule 13 CPC or on the application for stay of execution proceedings. Learned counsel relies upon the decision of this Court in Davinder Pal Singh and another Narinder Pal Singh and others 2016 (3) RCR (Civil) 194 to contend that on account of pendency of an application under Order 9 Rule 13 CPC, the learned Executing Court is required to defer the matter to await the outcome of the application under Order 9 Rule 13 CPC.

3. Having considered the submissions of learned counsel for the petitioner, the revision petition is disposed of by directing the learned Executing Court to consider and decide the application for stay in accordance with law as expeditiously as possible preferably within a period of one month from the date of receipt of certified copy of this order. Till such time that decision is not taken on the application for stay, execution proceedings shall remain in abeyance.

4. Revision petition is disposed of in the aforementioned terms.

(B.S.WALIA)
JUDGE

06.05.2019

rajesh.k.khurana

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