

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

CR No.3285 of 2019

Date of Decision : 17.05.2019

Kamla Vatsa

..... Petitioner

Versus

Rajnish Kant and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Vivek K. Thakur, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

In this revision petition, the petitioner, who is the Decree Holder in Execution case No.EXE/0000182/2015 before the Court of Ld. Civil Judge (Senior Division), Gurdaspur, has simply sought a direction upon the Ld. Court below to expeditiously dispose off her Execution application.

2. From the copies of the *Zimni* orders of the Ld. Court below, which are available on record, it is seen that the Execution case is almost 3½ years old by now, after having been initially entertained on 04.12.2015. It transpires that about a year later, an application under Order 9 Rule 13 of the CPC was filed on behalf of some of the Judgment Debtor(s) seeking to set aside the Decree dated 14.08.2010 of the Ld. Trial Court. However, the proceedings have been continuously adjourned in a most mechanical manner for more than one year now. Neither the application under Order 9 Rule 13 of the CPC nor the Execution itself have been taken up for any meaningful consideration continuously since 05.03.2018, as is seen from the *zimni* orders.

3. In the circumstances, the matter is disposed off by directing the Ld. Court below to take up the pending matters, being both the application under Order 9 Rule 13 of the CPC as well as Execution application, expeditiously. The application for setting side the *ex parte* Decree should be decided on merits within a period of three months from the communication of this order, after which appropriate orders in respect of the pending application shall be passed.

(SUDIP AHLUWALIA)
JUDGE

May 17, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No