

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 5534 of 2019
Date of decision: 09.09.2019

Balvir Singh

...Petitioner

V/s.

Balkees Rani and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

RITU BAHRI, J. (Oral).

Learned counsel for the petitioner, on instructions from the petitioner, has informed that AW1 Balbir Singh i.e. one of the witnesses has tendered his affidavit and examined in chief on 28.08.2019 and the case is now adjourned to 22.10.2019 for cross-examination of AW1. Thereafter only one more witness i.e. Process Server is required to be examined. However, vide the impugned order dated 30.07.2019 (Annexure P-5), application for staying the execution proceedings is dismissed till the decision of the application under Order 9 Rule 13 CPC.

Learned counsel for the petitioners has referred to the judgments passed by Coordinate Bench of this Court in ***M/s. Khass Fashion and another*** 2019(2) 1093 and ***Davinder Pal Singh and another V/s. Narinder Pal Singh and others*** 2016(3)RCR Civil 194, to contend that it is not appropriate to rush with the execution till the application under Order 9 Rule 13 CPC is pending.

Keeping in view the above, revision is allowed and the order dated 30.07.2019 (Annexure P-5) is being set aside and the direction is

being given to the executing Court that it will adjourn the case for the first week of December, 2019 and will pass final order on the application under Order 9 Rule 13 CPC for recording the evidence of AW1 Balbir Singh and second witness Process Server in the month of November, 2019.

(RITU BAHRI)
JUDGE

09.09.2019
Divyanshi

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