

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

**CR No.5507 of 2019(O&M)
Date of Decision: 26.09.2019**

Gurcharan SinghPetitioner
Versus
Dalbir Singh (deceased) through his LRs.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J.(ORAL)

[1]. Petitioner has preferred this revision petition against the order dated 27.08.2019 passed by Civil Judge (Junior Division), Ludhiana, vide which objections filed by the petitioner were dismissed.

[2]. Earlier petitioner filed CR No.6678 of 2018. Vide order dated 04.10.2018 passed in the said revision petition, interim protection was granted to the petitioner, thereby staying the execution of warrants of possession for a reasonable time so as to enable the petitioner to obtain appropriate orders in the proceedings under Order 9 Rule 13 CPC. After passing of the aforesaid order, the petitioner never pressed his application for interim stay in the proceedings under Order 9 Rule 13 CPC.

[3]. This Court by taking cognizance of the interim orders

passed by the executing Court on 29.11.2018, 25.01.2019, 5.02.2019 and 19.03.2019 held that the petitioner had made no efforts to press his pending application for interim stay. While depicting the in-action on the part of the petitioner with reference to scope of Order 21 Rule 26 CPC, this Court vacated the interim protection dated 04.10.2018 and dismissed the revision petition and directed the trial Court to decide the application under Order 9 Rule 13 CPC at the earliest. The said order was passed on 29.04.2019.

[4]. Seeking interim protection in the present revision petition would be a *via media* to by-pass the rigour of order dated 29.04.2019 passed by this Court in CR No.6678 of 2018.

[5]. At this stage, learned counsel for the petitioner stated that the objections (Annexure P12) earlier filed by the petitioner have not been decided in the impugned order. Precisely for the aforesaid grievance, the petitioner can approach the executing Court. Executing Court shall thereafter proceed to pass appropriate order on the objections filed by the petitioner.

[6]. In view of above, there is no scope to interfere in this revision petition. This revision petition is accordingly dismissed.

26.09.2019

Prince

Whether reasoned/speaking

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No