

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

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**CR-1208-2021(O&M)
Date of Order:18.08.2021**

KARTAR

..Petitioner

Versus

PREM SINGH AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Singh Duhan, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The judgment debtor assails the correctness of the order passed by the executing Court refusing to stay the proceeding in the execution petition till the decision in an application under Order 9 Rule 13 CPC. In the partition proceedings, the land in question was allotted to the decree holder. The petitioner filed a Civil Suit No.3 of 2013 to restrain the respondents from interfering in his possession. The aforesaid suit was dismissed. Hence, Kartar Singh-petitioner was not found in possession. Subsequently, respondent No.1-Prem Singh filed a civil suit for possession in which the petitioner was proceeded against ex parte on 09.12.2015. The application of the petitioner for setting aside the ex parte decree is pending.

Keeping in view the aforesaid facts, this Bench does not find it appropriate to interfere with the orders passed by the executing Court in exercise of powers under Article 227 of the Constitution of India.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

August 18, 2021
Ay

(ANIL KSHETARPAL)
JUDGE

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