

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

114

CR-5307 of 2018 (O&M)
Date of decision: 25.08.2022

**Deep Singh @ Hardeep singh (deceased) through LRs
and another**

..Petitioners

Versus

Krishna (deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.D.Bawa, Advocate and
Mr. Samuel Gill, Advocate
for the petitioner(s).
Mr. J.S.Mehal, Advocate
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

An objection petition filed by the Judgment Debtor before the Executing Court has been dismissed. The correctness of the aforesaid order has been challenged.

The learned counsel representing the petitioners while relying upon the judgment passed in **Davinder Pal Singh and another vs. Narinder Pal Singh and others, 2016 (3) RCR (Civil) 194**, contends that during the pendency of the proceedings under Order IX Rule 13 CPC for setting aside an ex-parte judgment, the Executing Court cannot proceed with the execution petition.

This court has carefully read the judgment. In fact, it is a short order. The Court has just observed that it will not be appropriate to rush with the execution of the ex-parte decree till the application to set it aside is pending.

In fact, the appropriate remedy with the petitioners is to file an application before the Court where proceedings under Order IX Rule 13 CPC are pending.

With these observations, the revision petition is disposed of

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

August 25, 2022

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(ANIL KSHETARPAL)
JUDGE

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