

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

116

**CR-2458 of 2019 (O&M)
Date of decision: 08.12.2022**

Faquir Chand

..Petitioner

Versus

Haryana Gramin Bank

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.P.Laler, Advocate, for the petitioner.
Mr. M.K.Gupta, Advocate, for the respondent.

ANIL KSHETARPAL, J(Oral)

The petitioner's application under Order 9 Rule 13 CPC to set aside the ex-parte judgment and decree dated 31.08.2015 is stated to be pending. The Bank (respondent) has filed the execution petition. The petitioner's application for adjourning the proceedings in the execution petition *sine die* has been dismissed by the Executing Court.

This revision petition has been filed challenging the order passed by the Executing Court refusing to adjourn the proceedings *sine die*. On 22.05.2019, while issuing notice of motion, the following order was passed:-

“Notice of motion be issued for 05.08.2019.

Though attachment of the property of the revisionist be kept intact, but it be not put to auction till then.”

This order has continued to operate till today.

After having heard the learned counsel representing the parties, this Court is of the view that the appropriate remedy before the petitioner is to file an application for stay of the execution in the pending proceedings under Order 9 Rule 13 CPC.

Keeping in view the aforesaid facts, the revision petition is disposed of with the observation that the petitioner shall have liberty to file an application in the pending proceedings on his application under Order 9 Rule 13 CPC.

The interim order shall continue to operate for a period of one month from today.

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

December 08, 2022

(ANIL KSHETARPAL)
JUDGE

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