

**PIRTHIPAL SINGH @ PRITHIPAL SINGH
V/S
SATISH KUMAR**

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

Mr.Liaqat Ali, Advocate
for the respondent.

Challenge in the present revision petition is to the order dated 19.05.2022 (Annexure P-7) and 19.10.2021 (Annexure P-6), passed by learned Civil Judge (Junior Division), whereby, an application for staying the execution proceedings, till the decision of application under Order 9 Rule 7 and 13 CPC read with Section 151 CPC, has been dismissed.

As culled out from the paper book, initially the suit for recovery of Rs.13,32,000/- was filed and the same was decreed vide judgment and decree dated 24.01.2017, which was decreed ex-parte. The principal amount to be recovered was Rs.12 lakh. Thereupon, execution petition was filed for recovery of the aforesaid decretal amount. However, even the petitioner had filed an application under Order 9 Rule 7 and 13 CPC, which is pending adjudication.

During the pendency of the application under Order 9 Rule 7 and 13 CPC, an application for stay of the execution proceedings was filed, which has been dismissed by the Court concerned.

From the grounds of petition, it is evident that the issues have been framed in the application under Order 9 Rule 7 and 13 CPC and now the case is stated to be fixed for 10.11.2022.

However, during the course of arguments today, it has been agreed between the counsel for the parties that the purpose would be fulfilled, if time bound direction qua the decision of application under Order 9 Rule 7 and 13 CPC is given. At the same time, learned counsel for the respondent submits

that to establish bonafides, some part of the decretal amount should be deposited by the petitioner, which was readily accepted by learned counsel for the petitioner.

Considering the same, the petitioner, who was defendant before the learned lower Court, is hereby directed to deposit a sum of Rs.2,00,000/-, out of the decretal amount, before the Court concerned, within a period of 10 days from today. However, the said amount shall not be released to the respondent/plaintiff, till disposal of the application under Order 9 Rule 7 and 13 CPC. The said amount, if so deposited, shall be invested in the form of FDR, in some nationalised bank by the Court concerned and further, recital be made in the FDR, with regard to the disbursement of the same, only by the order of the concerned Court.

In view of the aforesaid, the Court concerned, where the application under Order 9 Rule 7 and 13 CPC is pending, is hereby requested to grant two opportunities each, with a gap of one month each, to the petitioner as well as to the respondent, to lead evidence, vis-a-vis, application under Order 9 Rule 7 and 13 CPC. If any witness is to be summoned that shall be at the responsibility of the parties concerned and thereafter, the application be decided expeditiously by the Court.

In view of the aforesaid terms, the sale warrant issued by the Executing Court, shall remain in abeyance, till the decision of the application under Order 9 Rule 7 and 13 CPC.

Accordingly, the instant revision petition stands disposed of.

September 14, 2022
Vgulati

(ARCHANA PURI)
JUDGE