

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

CR-3941-2022 (O&M)

Date of Decision: September 16, 2022

Ranvir Uppal and others

...Petitioners

VERSUS

M/s Jaks Enterprises through its partners and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Anish Setia, Advocate
for the petitioners.

ARCHANA PURI, J.

The present revision petition has been filed for seeking modification of the order dated 26.08.2022 passed by learned Executing Court.

The brief facts, as culled out, from the paper-book are that, initially, petitioners had filed an ejectment petition on ground of arrears of rent, in which, respondents-tenants had not made appearance and they were proceeded ex-parte and an ex-parte order was passed. Thereafter, execution petition was filed. Even, simultaneously, an application under Order 9 Rule 13 CPC was filed by respondents-tenants. It was in the execution proceedings, in pursuance of filing of an application under Order 9 Rule 13 CPC, an application for stay of the execution proceedings was filed and the same was allowed, vide impugned order dated 26.08.2022, whereby, certain

conditions were imposed, vis-a-vis, stay of the execution proceedings. The conditions, so imposed, are as herein given:-

- (i) *The judgment debtors will jointly furnish a bank guarantee of Rs.50,00,000/-.*
- (ii) *Only three effective opportunities shall be given to the judgment debtors in their application under Order IX Rule 13 CPC for leading their evidence.*

Now, feeling aggrieved by the imposition of such conditions, a prayer is made for making three effective opportunities to be given to the respondents-tenants to lead evidence, in a time bound manner. Learned counsel for the petitioners submits that petitioners would be satisfied, if only the condition relating to the three effective opportunities, is made in a time bound manner.

Considering the circumstances, under which present petition has been filed for issuance of directions, without prejudice to the rights of the parties, to be adjudicated on merits, the second condition, so imposed by the concerned Court, is modified to the extent that three effective opportunities shall be given to JDs to conclude evidence, by the Court concerned, within three months from today onwards. In the eventuality of JDs not able to conclude their evidence, in the application under Order 9 Rule 13 CPC, within the given period, the lower Court shall be at option to close the evidence by order.

In view of the aforesaid observations, the revision petition stands disposed of.

September 16, 2022

Vgulati

Whether speaking/reasoned
Whether reportable

(ARCHANA PURI)

JUDGE

Yes

Yes/No