

CR-227-2023 (O&M)

Date of Decision : 13.01.2023

Manjit Kaur

...Petitioner

versus

Asha Rani and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Vikas Mehsempuri, Advocate for the petitioner.

B.S. Walia, J. (Oral)

1. Learned counsel contends that although the application for setting aside ex parte proceedings has been adjourned to 09.02.2023 for arguments, yet in the same very order Annexure P/17 dated 20.12.2022, police help has been sought for execution of warrants of possession, issued vide order Annexure P/15, dated 09.12.2022.

2. Learned counsel contends that once the application for setting aside ex parte proceedings has been adjourned for arguments, execution proceedings ought to have been kept in abeyance, in view of the decision of this Court in Amrik Singh vs. Jasbir Singh 1996 (1) CCC 103 and Davinder Pal Singh and another vs. Narinder Pal Singh and others 2016 (3) RCR (Civil) 194.

3. I have considered the submission of the learned counsel and am of the view that once the application for setting aside ex parte proceedings had been adjourned to 09.02.2023, execution proceedings ought not to be proceeded with till such time that the application for setting aside ex parte proceedings is decided.

4. Accordingly, in the light of the position noted above, I am of

the considered view that the execution proceedings be kept in abeyance till the decision of the application for setting aside ex parte proceedings, more so, in view of the statement of learned counsel for the petitioner that the execution proceedings as well as application for setting aside ex parte proceedings are pending before the same very Court.

5. Accordingly, the instant petition is disposed of without issuing notice to the respondent, as the same would entail unnecessary delay, expense nor any useful or practical purpose would be served. Accordingly, in view of the position noted above as well as decision of this Court in Amrik Singh's case (supra) and Narinder Pal Singh's case (supra), it is directed that till the application for setting aside ex parte proceedings is decided by the learned Civil Judge (Senior Division), Patiala, execution proceedings be kept in abeyance. The learned Civil Judge (Senior Division), Patiala, is requested to decide the application for setting aside the ex parte proceedings, which is stated to be listed for hearing on 09.02.2023, on the same date or soon thereafter.

6. Revision petition disposed of with the aforementioned directions.

(B.S. Walia)
Judge

13.01.2023
rajesh

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