

2023:PHHC:158550
144 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-179-2023 (O&M)
Date of decision: 11.12.2023

Laxmi

....Petitioner

Versus

Pale Ram and others

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Abhinav Sood, Advocate for
 Mr. Vikram Singh, Advocate for the petitioner

Mr. Kulvir Narwal and
Mr. Shubham Chaudhary, Advocates for the respondent

ANIL KSHETARPAL, J (Oral)

1. This revision petition has been filed by the judgment debtor to challenge the correctness of the order passed by the Executing Court on 22.12.2022. The petitioner's application for adjourning the execution petition sine die has been dismissed by the Executing Court. The correctness of the aforesaid order has been challenged in this revision petition.

2. Learned counsel representing the petitioner contends that the petitioner is a bonafide purchaser of the property and her application under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') is pending. He submits that

the execution proceedings shall be kept in abeyance till the final decision is arrived at on the application under Order IX Rule 13 CPC.

3. On the other hand, the learned counsel representing the respondent submits that the petitioner is delaying the decision in application under Order IX Rule 13 CPC. The learned counsel representing the petitioner before the trial court has already taken 7-8 adjournments for leading evidence. He further submits that the suit was filed by the respondent on 25.05.2011, whereas the sale deed in favour of the petitioner is dated 23.08.2011, and her vendor was party to the suit.

4. This Court has considered the submissions made by the learned counsel representing the parties. It is evident that the proceedings for setting aside the ex-parate decree is pending. The attention of the Court has not been drawn to the provision which provides for staying the execution proceedings during the pendency of the application under Order IX Rule 13 CPC. In any case, the petitioner, if so advised, may file an application for staying all the execution proceedings in the application under Order IX Rule 13 CPC.

5. With these observations, the revision petition is disposed of.

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

11.12.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE