

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

CR No. 1943 of 2023

DATE OF DECISION :- March 27, 2023

Khetram

...Petitioner

Versus

Jai Prakash

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Sunil Kumar Nehra “Sirsa”, Advocate for the petitioner.

In a suit for recovery filed by plaintiff Jai Parkash against defendant Khetram, notice thereof was given to defendant but he did not appear despite service as such was proceeded against ex-parte vide order dated 16.11.2022. The plaintiff had filed an application under Order 38 Rule 5 CPC which was accepted and 3 Kanal 0 Marla i.e. 60/206th share of defendant in the property mentioned in the application was ordered to be attached till further orders. This was so ordered on 8.12.2022 fixing the next date of hearing as 24.2.2023. This order left the defendant aggrieved and he has approached this Court by way of filing the revision petition.

On being asked, learned counsel for the revision petitioner has stated that the revision petitioner defendant has approached the trial Court for setting aside of ex-parte order. It being so, he has got a remedy of

moving appropriate application before the trial Court for removal of the attachment and the trial court is required to dispose of that application in accordance with law in terms of Rule 9 Order 38 CPC.

Therefore, the revision petition is disposed of relegating the revision petitioner to the said remedy.

(H.S. MADAAN)
JUDGE

March 27, 2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No