

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCR- 2911 of 2023(O&M)
Date of Decision: 10.10.2023

Prem Kumar

...Petitioner

Versus

Payal Rani

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Gagandeep Kaur, Advocate
For the petitioner.

KARAMJIT SINGH, J.

1. The counsel for the petitioner/ decree holder while assailing the impugned order dated 02.03.2023 passed by the Court of Addl. Civil Judge(Sr.Divn.), Dhuri, *inter alia*, submits that petitioner filed civil suit wherein notice was issued to the respondent but she did not appear and was proceeded against *ex-parte* and finally *ex-parte* judgment dated 21.04.2016 was passed in favour of the petitioner and against the respondent. Thereafter, the petitioner filed an execution application and during the pendency of the same the respondent filed an application under Order 9 Rule 13 CPC and also sought stay of operation of the *ex-parte* judgment and the Court below stayed the execution proceedings till the decision of application under Order 9 Rule 13 CPC vide impugned order. The counsel for the petitioner further submits that now the proceedings under Order 9 Rule 13 CPC are being prolonged by the respondent. So, prayer is made that the impugned order be set aside and direction be given to the Court concerned to proceed ahead with the execution application.

2. During arguments, the counsel for the petitioner admitted that the respondent has already concluded her evidence in proceedings under Order 9 Rule 13 CPC and that now the same is fixed for evidence of the petitioner. So, it cannot be said that proceedings under Order 9 Rule 13 CPC are delayed by the respondent.

3. In view of the above, the present petition is hereby disposed of without commenting on the merits of the case with direction to the Court of Addl. Civil Judge (Sr.Divn.), Dhuri to decide application under Order 9 Rule 13 CPC in an expeditious manner without granting unnecessary adjournments and preferably within next six months from today.

4. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if she feels dis-satisfied with this order, she may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

10.10.2023
Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No