

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CR-3458-2023 (O&M)
Date of Decision:-04.07.2023

Zile Singh

... Petitioner

Versus

M/s Babu Ram Rameshwar Dass

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Fateh Saini, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails order dated 11.4.2023 (Annexure P-1) passed by learned District Judge, Ambala vide which the petitioner has been ordered to be proceeded against *ex-parte* in execution proceedings and has ordered for issuance of warrants of attachment of property of the petitioner.
2. Learned counsel for the petitioner submits that an *ex-parte* Arbitration Award dated 31.3.2022 (Annexure P-2) came to be passed against the petitioner for recovery of an amount of Rs. 9,23,796/- and when the petitioner came to know about the same, he moved an application for setting aside of the same along with an application for stay of the said *ex-parte* Award which is fixed for 1.11.2023. It has been submitted that the decree holder, however, filed an execution dated 7.7.2022 (Annexure P-3) wherein also the petitioner was ordered to be proceeded against *ex-parte* vide impugned order dated 11.4.2023 (Annexure P-1) and warrants of attachment were ordered to be issued.

3. The learned counsel submitted that the petitioner, thereafter, moved an application before the District Judge, Ambala for setting aside of order dated 11.4.2023 and also moved an application for recalling of warrants of attachment which have been adjourned to 8.8.2023 vide order dated 12.5.2023 (Annexure P-8). The said order dated 12.5.2023 is reproduced herein-under :-

“Ld. Counsel for the DH has put in appearance and has filed reply to the application for setting aside the order dated 11.04.2023 as well as reply for recalling warrants of attachment. Copies given.

Now to come up on 08.08.2023, the date already fixed for arguments.”

4. Having heard the learned counsel for the petitioner, this Court finds that the petitioner has already moved appropriate applications before the District Judge for setting aside of order dated 11.4.2023 and also for recalling of the warrants of attachment in which notice has been issued for 8.8.2023. In these circumstances, this Court is of the opinion that it will not be appropriate for this Court to assume jurisdiction at this stage so as to pass any order to scuttle short the proceedings pending before the learned District Judge.
5. The instant petition, as such, is disposed of with liberty to the petitioner to move an appropriate application before the trial Court for preponing the date fixed in the stay application, which is stated to be fixed for 1.11.2023. In case, any such application is filed, the same shall be considered by the trial Court in accordance with law particularly while bearing in mind the fact that the execution proceedings have already been initiated.

6. The petition stands disposed of accordingly.

04.07.2023
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(GURVINDER SINGH GILL)
JUDGE

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