

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 3760 of 2023(O&M)
Date of Decision: 06.07.2023

Siraj @ Suraj

...Petitioner

Versus

Sumit Jain

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sherry K. Singla, Advocate
For the petitioner.

KARAMJIT SINGH, J.

1. The present revision petition has been preferred against order dated 30.05.2023 passed by the Court of Civil Judge(Jr.Divn.), Malerkotla whereby an application moved by the petitioner for staying the execution proceedings during the pendency of the application under Order 9 Rule 13 CPC for setting aside the *ex parte* judgment and decree dated 09.12.2021, has been dismissed.

2. I have heard the counsel for the petitioner.

3. Admittedly, the application filed by the petitioner under Order 9 Rule 13 CPC for setting aside *ex parte* judgment and decree dated 09.12.2021 is still pending and simultaneously the application filed by respondent/ DH Sumit Jain for execution of aforesaid *ex parte* judgment and decree is also pending in the executing Court. In the given circumstances, it would not be appropriate to rush with the execution proceedings till the decision of the application under Order 9 Rule 13 CPC. If in the meantime,

the execution proceedings are not kept in abeyance, the statutory remedy availed by the petitioner under Order 9 Rule 13 CPC would be virtually rendered infructuous.

4. In the light of the above, the present petition is hereby disposed of and the proceedings in execution application are stayed till the application filed by the petitioner under Order 9 Rule 13 CPC is not adjudicated upon by the Court of Civil Judge concerned. However, keeping into consideration the interest of respondent, the learned trial Court is directed to expedite the disposal of the application under Order 9 Rule 13 CPC and the same may be decided preferably within six months of the next date fixed in the trial Court.

06.07.2023
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No