

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

Sr. No.102

IOIN/& CR-5032-2008

Date of Decision: 19.05.2023

BALRAJ

....Petitioner

Versus

RAMDE AND OTHERS

.....Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- None.

ARCHANA PURI, J.

Case has been called twice, but however, none has made appearance on behalf of the parties concerned.

In the light of the same, perusal of the paperbook reveals about the present revision petition to have been filed to challenge the order dated 31.07.2008 passed by the Executing Court, whereby, the objections filed by the respondents were accepted and consequently, the execution petition filed at the instance of the present petitioner was dismissed.

The execution petition was filed, *vis-a-vis* the civil suit for possession, by way of pre-emption, which was decided vide judgment dated 11.02.1993. It is pertinent to mention that the said judgment was an ex parte one and therein, an application under Order 9 Rule 13 CPC was also filed, for setting aside of the judgment and decree passed on 11.02.1993.

However, the same was also dismissed vide order dated 20.09.1995, which

was further affirmed by the Appellate Court vide order dated 19.07.1999. Thereupon, during the pendency of the execution petition, objections were filed by the judgment debtors, which were accepted vide the impugned order and consequently, the revision petition was dismissed.

The order, so passed *vis-a-vis* dismissal of the execution is quite old, as it relates to the year 2008. Seemingly, the parties concerned are not interested to pursue the present revision petition.

As such, the same is hereby dismissed, for want of prosecution.

However, there shall be an option available for reviving the case in hand, in the eventuality of anyone making appearance on behalf of the petitioner.

19.05.2023
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No