

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

104

CR-2410-2021 (O&M)

Date of decision : 23.01.2023

Rajinder Kumar Shukla

... Petitioner

Versus

Rajiv Soni and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sapan Dhir, Advocate for the petitioner.

Mr. Aayush Gupta, Advocate for respondent No.2.

Anupinder Singh Grewal, J. (Oral)

CM-14108-CII of 2021

This application is for placing on record zimni orders of the trial Court as Annexure R-2/1 along with Annexure R-2/2.

Heard. For the reasons stated in the application, the same is allowed and Annexures R-2/1 and R-2/2 are taken on record subject to all just exceptions.

CM-10913-CII of 2021

Allowed as prayed for.

Main case

The petitioner has challenged the order dated 10.09.2021 (Annexure P-21) whereby the execution proceedings have been stayed.

Learned counsel for the petitioner submits that the *ex parte* decree had been passed in favour of the petitioner and it is not open to the Executing Court to stay the execution proceedings on the ground that the application under Order 9 Rule 13 of CPC had been filed.

Learned counsel for respondent No.2, however, submits that in an application filed under Order 9 Rule 13 CPC, the entire evidence has been led and the matter is listed tomorrow for arguments.

Learned counsel for the parties are *ad idem* that the petition can be disposed of with a direction to the trial Court to decide the application under Order 9 Rule 13 CPC expeditiously.

Heard.

The application for setting aside the *ex parte* decree is at an advanced stage, the entire evidence has been led and it is fixed for arguments tomorrow, therefore, the petition is disposed of with a direction to the trial Court to consider and decide the application under Order 9 Rule 13 CPC in accordance with law expeditiously preferably within two months.

Pending application, if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

January 23, 2023
sonia gugnani

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