

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

125

CR-4519-2023

Date of Decision : 10.08.2023

Gurmeet Singh @ Gurmit Singh

.....Petitioner

Versus

Bhinder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Sunny K. Singla, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. The challenge in the instant revision petition is to the order dated 05.04.2023 passed by learned Additional Civil Judge (Senior Division), Malerkotla whereby an application filed by the petitioner/judgment debtor for staying the execution proceedings till the decision of application under Order 9 Rule 7 and 13 read with Section 151 CPC for setting aside the exparte decree has been dismissed.

2. Learned counsel for the petitioner submits that the ex-parte decree dated 05.08.2021 has been passed against the present petitioner and he has filed an application under Order 9 Rule 7 and 13 read with Section 151 CPC on 22.09.2022 for setting aside the ex-parte decree which is pending for consideration. However, in the meanwhile, the respondent/decreed holder has preferred an execution application and in view thereof, the petitioner/judgment debtor has filed an application for staying the execution proceeding till the decision of an application filed under Order 9 Rule 7 and 13 read with Section 151 CPC which has been dismissed vide impugned order dated 05.04.2023. Learned counsel for

the petitioner further submits that the very purpose of filing the application under Order 9 Rule 7 and 13 read with Section 151 CPC would be frustrated in case the execution proceedings are not stayed. In support of his contention, learned counsel for the petitioner has placed reliance upon the judgments passed by this Court in *CR No.3760 of 2023 titled as 'Siraj @ Suraj Vs. Sumit Jain' decided on 06.07.2023; Davinder Pal Singh and another Vs. Narinder Pal Singh and others : 2016(3) RCR (Civil) 194; M/s Khass Fashion and another Vs. Gurinder Singh : 2019(2) Law Herald 1093; Sanjay Sharma Vs. Raj Kumar : 2020(2) RCR (Rent) 557 and Mehar Singh and others Vs. Firm Pakher Singh and others : 2004(1) RCR (Civil) 799.*

3. I have heard learned counsel for the petitioner and perused the paperbook.

3. In the light of the above, the present petition is hereby disposed of and the proceedings in the execution application are stayed till the application filed by the petitioner under Order 9 Rule 7 and 13 CPC is not adjudicated upon by the Court of Civil Judge concerned. However, keeping into consideration the interest of the respondent, learned Trial Court is directed to expedite the disposal of application filed under Order 9 Rule 7 and 13 CPC and the same may be disposed of within a period of four months from the next date of hearing fixed in the Trial Court.

10.08.2023

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(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No