

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

Sr. No.131**CR-5107-2023 (O&M)****Date of decision: 04.09.2023****RAMANDEEP KAUR****.....Petitioner****versus****SUKHMINDER SINGH AND ANOTHER****.....Respondents****CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

NAMIT KUMAR, J. (ORAL)**CM-15990-CII-2023**

1. This application has been filed under Section 151 C.P.C. for placing on record documents (Annexures P-1 to P-10) and for exemption from filing certified copies of documents (Annexures P-1, P-3 to P-9).

2. Keeping in view the averments made in the application, the same is allowed and documents (Annexures P-1 to P-10) are taken on record, subject to all just exceptions.

Main case

1. The instant revision petition has been preferred by the petitioner seeking directions to the Court of learned Civil Judge (Junior Division), Ludhiana to decide the application under Order 9 Rule 13 CPC bearing No.677 dated 24.05.2023 (Annexure P-3), filed by the petitioner in Execution No.54 dated 17.01.2023 in Civil Suit No.5551 of 2021, titled as "*Sukhminder Singh vs. Lovepreet Singh and Another*" for setting aside the ex-parte judgment and decree dated 03.10.2022 expeditiously.

2. Learned counsel for the petitioner submits that the petitioner is daughter-in-law of respondent No.1 and wife of respondent No.2. Respondent

No.1-Sukhminder Singh filed a suit for mandatory injunction, directing the defendant namely Lovepreet Singh s/o Sh. Sukhminder Singh and Ramandeep Kaur w/o Sh. Lovepreet Singh, to vacate and handover the possession of the portion/four rooms, varanda, kitchen, latrine-bathroom on the first floor in the said house property i.e. House No.172, V.P.O. Dhandra, Tehsil and District Ludhiana.

3. It is further submitted that in the said suit, notice issued by the Court was received by the husband of the petitioner – Sh. Lovepreet Singh on his behalf and on behalf of the petitioner but he never informed about the same to the petitioner and consequently, the said suit was decreed vide judgment and decree dated 03.10.2022 (Annexure P-2) with the following directions:-

“xxx xxx xxx xxx

7. Resultantly, the suit of the plaintiff succeeds and he is entitled to relief of mandatory injunction and the defendants are directed to vacate and hand over the possession of the suit property within two months from the passing of this judgment. The plaintiff is further entitled to the relief of permanent injunction and therefore, the defendants are restrained from parting with the possession of aforesaid property and further from restraining the defendants from raising any construction or making any addition or alternation in the suit property.

8. In view of my above discussion, suit of the plaintiff succeeds and the same is exparte decreed with costs. Decree sheet be prepared accordingly. File be consigned to the record room after due compliance.

Pronounced,
03.10.2022

(Sumit Garg)
Civil Judge (Jr Division),
Ludhiana (UID PB0608)

xxx xxx xxx xxx”

4. Learned counsel for the petitioner further submits that in the execution proceedings, vide Report dated 15.05.2023 (Annexure P-10), the possession of the said property was handed over by respondent No.2 to respondent No.1 on

Rule 13 CPC for setting aside the ex parte judgment and decree dated 03.10.2022. The said application is still pending consideration in the Court of learned Civil Judge (Junior Division), Ludhiana for 08.09.2023 and her application for restoration of possession has been dismissed vide order dated 31.05.2023 (Annexure P-4).

5. Learned counsel for the petitioner contends that on the one hand the application filed by the petitioner under Order 9 Rule 13 CPC is not being decided and on the other hand, the application filed by the petitioner for restoration of the possession of the property has been dismissed. He submits that the petitioner is having no shelter and the delay in conclusion of the application under Order 9 Rule 13 CPC is causing great prejudice to the petitioner.

6. Keeping in view the facts and circumstances of the present case, it would be appropriate to direct the Court of learned Civil Judge (Junior Division), Ludhiana to decide the application dated 24.05.2023, filed by the petitioner under Order 9 Rule 13 CPC, within a period of two weeks from today.

7. Disposed of with above-said directions.

(NAMIT KUMAR)
JUDGE

04.09.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No