

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

Sr. No.255**CR-6153-2019 (O&M)
Date of decision: 29.08.2023****THAN SINGH****.....Petitioner****versus****PRINCE (MINOR) AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Gulshan Nandwani, Advocate
for the petitioner.

Mr. Amardeep Sheoran, Advocate
for the respondents.

NAMIT KUMAR, J. (ORAL)

The challenge in the present petition is to the order dated 02.09.2019 (Annexure P-5), passed by the Court of learned Civil Judge (Senior Division), Rewari, whereby the application filed by the petitioner/JD, for staying the execution proceedings till the disposal of the application under Order 9 Rule 13 CPC, has been dismissed.

On 27.09.2019, while issuing notice of motion, the following order was passed:-

“Notice of motion for 19.11.2019, subject to the condition that the petitioner shall deposit 50% of the decretal amount in the Ld. Executing Court on or before the next date fixed there, which the decree holder would be at liberty to withdraw, subject to furnishing an appropriate indemnity bond for its return, if so required.

In the meantime any coercive proceedings, initiated if any, against the petitioner shall remain stayed.”

Learned counsel for the parties submit that the application under Order 9 Rule 13 CPC is still pending consideration before the Court of learned Civil Judge (Senior Division), Rewari.

Learned counsel for the petitioner has placed reliance upon the judgment of this Court in CR-5534-2019 titled as “*Balvir Singh Vs. Balqees Rani and others*”, wherein, it has been held that execution proceedings cannot continue untill and unless application under Order 9 Rule 13 CPC is decided.

Keeping in view the facts and circumstances of the present case, it would be appropriate to issue directions to the Court of learned Civil Judge (Senior Division), Rewari to consider and decide the application, filed by the petitioner/JDs under Order 9 Rule 13 CPC.

Let the said application be decided within a period of three months. Till the disposal of the said application, the execution proceedings shall remain stayed.

Disposed of with above-said directions.

(NAMIT KUMAR)
JUDGE

29.08.2023
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>