

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

134

2023:PHHC:111795

**CR-7333-2019(O&M)
Date of decision: 25.08.2023**

VIJAY PAL DAHIYA

..Petitioner

Versus

S.K. BAGGA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Gupta, Advocate
for the petitioner.

Mr. B.B. Bagga, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The ex parte judgment and decree have been passed in favour of the respondent and against the petitioner to grant declaration and to recover Rs.51,90,390.20/-. An application filed under Order IX Rule 13 to set aside ex parte judgment decree is pending for the last 7 years. In the aforesaid proceedings, an application filed by the petitioner-applicant for staying the execution of the decree was dismissed by the trial Court, which was subject matter of challenge in this revision petition.

2. On 19.11.2019, the Court passed the following order:-

“Submits inter alia that even though the Ld. Trial Court had ordered issuance of summons upon the petitioner by ordinary process, still there was extraordinary fast movement inasmuch as the summons (Annexure P-2) were prepared on 25.01.2010, assigned to the Process Server on the same date and even got served on the same day and that the petitioner's signature on the same (on Page No.60), is forged as can also be seen from the report of the Handwriting Expert (Annexure P-7).

Submits further that during the course of hearing the petitioner would have no objection to having the disputed signatures examined by a neutral authority such as the State Forensic Science Laboratory.

Notice of motion for 02.03.2020.

In the meantime, Ld. Executing Court is directed to adjourn its proceedings beyond the date fixed before this Court.”

3. After arguing the case at some length, the learned counsel representing the parties have come to a consensus. They jointly pray for issuing direction to the Court of first instance to decide the application filed under IX Rule 13 of the Code of Civil Procedure, 1908, which is stated to be pending, within a period of three months from the date of receipt of copy of the order. It is also agreed till then the interim order dated 19.11.2019 shall continue to operate.

4. Disposed of accordingly.

5. All the pending miscellaneous applications, if any, are also disposed of.

August 25th, 2023

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(ANIL KSHETARPAL)
JUDGE

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