

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

Civil Revision No. 7099 of 2023(O&M)

Date of Decision: 24.11.2023

Baljeet Kaur @ Baljit Kaur & Anr.

...Petitioners

Versus

Pargat Singh

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Piyush Setia, Advocate
for the petitioners.**

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioners/JDs against the order dated 08.11.2023 (Annexure P-6) passed by the Court of learned Civil Judge (Jr.Divn.), Abohar whereby petitioners' application for setting aside *ex-parte* proceedings was allowed without giving them any opportunity to file objections to the execution application (Annexure P-3).

2. I have heard the counsel for the petitioners.

3. Respondent filed civil suit for possession of the suit property against the petitioners. The said suit was contested by the petitioners and after recording of evidence, the learned trial Court decreed the said suit vide judgment dated 28.10.2022 (Annexure P-1). Thereafter, respondent being decree holder filed an execution application wherein the impugned order (Annexure P-6) has been passed by the Executing Court.

4. During arguments, it has transpired that petitioners have filed appeal against judgment dated 28.10.2022 wherein an application seeking stay of the operation of the said judgment is also filed. The appeal as well as

said stay application are still pending before the Appellate Court for their disposal in accordance with law. The appeal has been admitted by the Appellate Court vide order dated 26.09.2023 whose copy is placed on record. In case the petitioners are aggrieved by the proceedings being carried out by the Executing Court, the petitioners should have pressed for disposal of the stay application which is pending in the aforesaid appeal. The counsel for the petitioners submits that the petitioners will be satisfied if necessary direction is given to the Appellate Court to decide the stay application in a time bound manner.

5. In light of the above, without commenting on the merits of the case, the present revision petition is hereby disposed of and direction is given to the Appellate Court at Fazilka to decide the injunction application filed by the petitioners, in accordance with law on the next date fixed in a civil appeal and in case it is not possible on that date, then within 20 days thereof without granting unnecessary adjournments.

(KARAMJIT SINGH)
JUDGE

24.11.2023

Jiten

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