

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

**Civil Revision No.7144 of 2023 (O&M)
Date of Decision: 29.11.2023**

Surinder Singh

...Revisionist-Petitioner

Versus

Suresh Kumari

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sandeep Goyal, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of this revision petition, the petitioner-Judgment Debtor-defendant (here-in-after to be referred as 'the JD') has assailed the order (Annexure P-7) as passed by learned Civil Judge (Junior Division), Karnal (for short 'the Executing Court') on 03.11.2023 in the ***Execution Petition No.647 of 2018***, whereby the application (Annexure P-5) moved by him under Order 9 Rule 7 CPC with a prayer to set-aside the *ex-parte* order (Annexure P-4) passed against him, has been dismissed.

2. I have heard learned counsel for the petitioner-JD in the present revision petition at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the JD contends that the order Annexure P-4, passed by the Executing Court for proceeding *ex-parte* against the JD in the above-referred execution petition, is erroneous as the summons had

never been properly served to him but the afore-said application, as filed by the JD to assail the above-said order, has also been wrongly dismissed vide the impugned order and hence, this order is not legally sustainable.

4. However, the afore-raised contentions are devoid of any force because the Executing Court has specifically observed in Para No.5 in the impugned order that on 16.03.2019, the summons issued to the JD had been received back with the report that he was not found at the spot and the copy of the summons had been affixed/pasted there and it amounted to the proper service of summons to him (JD) and that the warrant of attachment issued qua his (JD's) property had been received back duly executed and the report dated 02.09.2019, as appended thereon, reflected that he was present at the time of the attachment proceedings but he filed application Annexure P-5 on 04.09.2023, i.e after the lapse of almost four years from the date of the execution of the above-said warrant. It being so, it is explicit that the JD was well aware of the filing of the afore-mentioned execution petition and has intentionally filed the above-referred application after such a long time, so as to delay the proceedings in the said execution petition.

6. As a sequel to the fore-going discussion, it follows that there is no illegality, irregularity, infirmity and perversity in the impugned order Annexure P-7 so as to call for any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

29.11.2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No