

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

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CR-113-2024**Date of Decision:** January 10, 2024**Balkar Singh****.....Petitioner(s)****Vs.****Gurpiar Singh and others****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE SUDEEPTI SHARMA****Present:** Mr.K.B. Raheja, Advocate for the petitioner.

SUDEEPTI SHARMA J. (ORAL)

The challenge in the present petition, is to order dated 03.01.2024 (Annexure P-10), wherein learned District Judge, Ferozepur has put the property of the petitioner on sale.

2. Learned counsel for the petitioner contends that an *ex parte* Award was passed against the petitioner vide order dated 14.02.2023. An application for setting aside the same was filed by the petitioner, which was allowed vide order dated 11.10.2023 subject to the payment of costs of Rs.50,000/- (Rs.25,000/- be paid to the claimant and Rs.25,000/- to be deposited in the account of District Legal Services Authority). The petitioner could not deposit the amount on the date fixed. Therefore, an application for setting aside *ex parte* order was dismissed vide order dated 20.10.2023.

3. The petitioner challenged the same by filing Civil Revision before this Court and this Court vide order dated 06.11.2023 gave liberty to the petitioner to move an application for extension of time before the same Court.

4. The petitioner moved an application before District Judge, Ferozepur vide CM No. 355 of 2023 and the same was taken on record on 13.12.2023 and the case was fixed for 21.12.2023. On 21.12.2023 the original file was summoned and the case was adjourned to 19.01.2024. Ignoring the order dated 21.12.2023, wherein, the original file of the case was summoned from the Record Room, impugned order dated 03.01.2024 was passed by District Judge, Ferozepur, vide which attached property of the petitioner was put to sale.

5. A perusal of the case file shows that learned District Judge, Ferozepur, without deciding the application for setting aside the *ex parte* order dated 14.02.2023, has decided the execution application.

6. In view of the above, without going into the merits of the case and issuing notice, the present petition is allowed and order dated 03.01.2024 (Annexure P-10) is hereby set aside. Petitioner is directed to deposit the amount of Rs.50,000/- on 19.01.2024 as directed by the Court of District Judge, Ferozepur vide order dated 11.10.2023. Learned District Judge, Ferozepur is directed to decide the application for setting aside the *ex parte* order dated 14.02.2023 filed by the petitioner under Order 9 Rule 13 CPC, which is fixed for hearing on 19.01.2024 by him vide order dated 21.12.2023, by passing a speaking order.

7. All pending applications, if any, stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

January 10, 2024
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No