

CR-2947-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.152

CR-2947-2024

Date of Decision: 20.05.2024

MUNESHWAR SINGH KHAIRA

....Petitioner

Versus

SUSHIL BALA AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arshdeep S. Khaira, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

The petitioner has invoked the jurisdiction of this Court under Article 227 of Constitution of India, for issuance of direction to the Civil Judge (Junior Division), to expedite the proceedings in the application under Order 9 Rule 13 CPC and decide the same in a time bound manner.

Learned counsel for the petitioner heard

Facts, as culled out from the paperbook are that the petitioner has filed the suit for seeking recovery of Rs.47,20,000/- against the respondents and the same was decreed vide judgment dated 03.01.2023. Further, the petitioner has filed execution petition and during the pendency of the same, an application under Order 9 Rule 13 CPC was filed at the behest of the respondents. Now, the grievance of the petitioner is that the said application is not making any progress and multiple adjournments are granted by the Court for the purposes of filing the rejoinder.

In this regard, learned counsel has made reference to Annexure

P-5, which reveals about the respondents having made appearance through

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counsel on 08.08.2023 and since then till 02.02.2024, multiple adjournments were granted for the purposes of filing the rejoinder.

On query, it is further submitted that the case is now pending for 09.07.2024 for the same purpose only.

Considering the zimini orders, it is evident that the concerned Judicial Officer is proceeding casually, with regard to the application under Order 9 Rule 13 CPC, more particularly, when stay is already granted by the Executing Court, vide order dated 29.01.2024.

Considering the aforesaid fact situation, it is expected and desired, of the concerned Judicial Officer to remain sensitized and dispose of the application under Order 9 Rule 13 CPC, on merits, preferably within a period of six months from today onwards.

In view of the aforesaid terms, the instant revision petition is hereby disposed of.

20.05.2024
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No