

CR-6930-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.113

CR-6930-2019 (O&M)
Date of Decision: 16.04.2024

JATINDER KUMAR

....Petitioner

Versus

OM PARKASH (BHOLA)

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Pallavi Babbar, Amicus Curiae,
for non-applicant/petitioner.

Mr. Jatinder Singla and Mr. J.K.Singla, Advocates
for the applicant/respondent.

ARCHANA PURI, J. (Oral)

CM-15664-CII-2023

The present application had been filed for early hearing of the revision petition, when it was fixed for 28.11.2023.

Since, the date fixed has already passed by, the instant application has become infructuous and the same is hereby dismissed, as such.

CM-15665-CII-2023 AND CR-6930-2019

The present application has been filed at the behest of applicant/respondent for disposal of the main revision petition i.e. CR-6930-2019.

It is submitted by learned counsel for the applicant/respondent that the revision petition in hand was filed to assail the order dated 14.10.2019, passed on an application filed at the behest of Jatinder Kumar,

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petitioner for stay of Civil Miscellaneous Application No. 27/2018 and of the operation of the ex parte order dated 22.05.2018 and of ex parte judgment and decree dated 28.05.2018. The said application was dismissed by the Trial Court, vide the impugned order.

However, it has been brought to the notice of the court at this stage that an application under Order 9 Rule 13 CPC filed at the instance of the petitioner was dismissed by the Court below, vide order dated 24.08.2022 and even the appeal filed at the instance of the petitioner, to assail the order dated 24.08.2022, was dismissed by the Appellate Court, vide order dated 14.08.2023, copy whereof is Annexure R-5.

The aforesaid fact situation, as such, is not disputed by learned counsel for the petitioner.

In the given circumstances, considering the impugned order to be an offshoot, relating to the application under Order 9 Rule 13 CPC, the instant revision petition has become infructuous.

In the light of the aforesaid orders passed by the Court below, the instant application is hereby allowed and the revision petition is hereby dismissed, as having become infructuous.

16.04.2024
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

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Yes/No