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

CR-6856-2024

Date of decision: 26.11.2024

Tejinder Mohan Singh Liberhan and another

...Petitioners

Versus

New Motors through its Partner Sh. Ominder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vineet Chaudhary, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for issuance of directions to the Rent Controller, Ambala to decide the application filed under Order 9 Rule 13 CPC filed by the respondent for setting aside the ex parte eviction order dated 31.05.2022 (Annexure P-2) passed by the Rent Controller, Ambala in Rent Petition No.26 of 2022 in a time bound manner.

2. Learned counsel for the petitioners has submitted that in the present case, the petitioners who are landlord had filed an eviction petition which was allowed ex parte vide judgment dated 31.05.2022 and that thereafter, the respondent had filed an application dated 21.07.2022 under Order 9 Rule 13 CPC. It is further submitted that on the stay application, operation of the judgment/decreed dated 31.05.2022 was stayed vide order



dated 02.08.2022 (Annexure P-4) till the pendency of the application under Order 9 Rule 13 CPC. It is also submitted that as is apparent from zimni order dated 19.10.2023, the case was fixed for rebuttal evidence and arguments for 03.11.2023. It is submitted that the application under Order 9 Rule 13 CPC has not been decided till date and the case is now pending for 17.01.2025. It has fairly been stated that the petitioners had filed an application for vacation/modification of the said order dated 02.08.2022 but would not press the said application in case direction is issued to the trial Court to decide the application filed under Order 9 Rule 13 CPC expeditiously and in a time bound manner.

3. Keeping in view the abovesaid facts and circumstances, the present revision petition is disposed of with a request to the trial Court to decide the application filed under Order 9 Rule 13 CPC dated 21.07.2022 (Annexure P-3) by the respondent as expeditiously as possible preferably within a period of two months from 17.01.2025. As undertaken by learned counsel for the petitioners, the application for vacation of the stay/modification of the stay would not be pressed by the petitioners before the trial Court and thus, the main application under Order 9 Rule 13 CPC would be decided. All the counsels appearing before the trial Court are also requested to assist the Court in an expeditious disposal of the abovesaid case.

26.11.2024*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**