

CR-409-2021(O&M) 1

2025:PHHC:172581



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-409-2021(O&M)

Date of decision : 10.12.2025

Dr.Nancy Jindal @ Nancy Mittal

... Petitioner

Versus

Jasbir Singh (since deceased) through his LR's and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Shalini Singh, Advocate for
Mr.Aayush Gupta, Advocate
for the petitioner.

Ms.Anamika Sheoran, Advocate
for respondents no.1 (a to c).

Mr. Rishab Garg, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 28.01.2021 passed by the Civil Judge (Jr.Div.), Ludhiana vide which the applications dated 21.12.2020 (Annexure P-6) and 06.02.2019 (Annexure P-3) have been dismissed.

2. On 25.02.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

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“Present: Mr. Aayush Gupta, Advocate for the petitioner.

Heard through video conferencing.

Learned counsel for the petitioner would contend that the application filed by the petitioner under Order IX Rule 13 of the Code of Civil Procedure, 1908 is pending since 05.02.2019. Learned counsel for the petitioner would further contend that plaintiff-respondent nos.1 and 2 had played a fraud upon the Court and obtained an ex parte judgment and decree dated 11.12.2013 on the basis of forged and fabricated agreement to sell. The petitioner herein is the bona fide purchaser of the house in question and remained in possession of the same till January, 2019. Thereafter, the possession of the house in question was taken by the decree-holders i.e. respondent nos.1 and 2 in execution proceedings and that is when the petitioner herein came to know about the ex parte judgment and decree dated 11.12.2013. It is further contended that FIR No.303 dated 25.11.2019 under Sections 420 and 120-B IPC has been registered at Police Station Jamalpur, District Ludhiana against all the respondents herein in this regard. It is further contended that the respondents now want to sell the property, which would create third party rights.

Let notice be issued to respondent nos.1 and 2 who, as per learned counsel for the petitioner, are the only contesting parties, for 03.05.2021.

Till the next date of hearing, status quo qua the property in question shall be maintained.

25th February, 2021”

3. Learned counsel for the petitioner has submitted that the



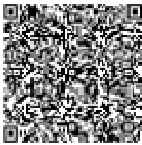
application filed by the petitioner under Order 9 Rule 13 CPC is at the stage of final arguments and is now listed for 17.12.2025. It is submitted that since the interim order dated 25.02.2021 has been in operation for the last 4 years, thus, the trial Court be directed to decide the application under Order 9 Rule 13 CPC as expeditiously as possible and till the said time, the interim order dated 25.02.2021 be continued.

4. Learned counsel for the respondents, on the other hand, have submitted that the grant and continuance of the said interim order should not be construed as an expression on the merits of the case and the trial Court be directed to decide the application under Order 9 Rule 13 CPC independently on the basis of the evidence and pleadings of the parties.

5. It is jointly submitted by learned counsel for the parties that their respective counsel would fully assist the trial Court in expeditious disposal of the application under Order 9 Rule 13 CPC.

6. Keeping in view the above said facts and circumstances and the fair stand taken by the learned counsel for the petitioner and the learned counsel for the respondents, the present revision petition is disposed of with the following observations / directions:-

- i) The trial Court is requested to decide the application under Order 9 Rule 13 CPC which is stated to be listed for final arguments on 17.12.2025 as expeditiously as possible. The counsel for all the parties are requested to fully assist the trial Court in expeditious disposal of the said case.



- ii) Till the time, the said application under Order 9 Rule 13 CPC is decided, the interim order dated 25.02.2021 to the effect that “status quo qua the property in question shall be maintained” is to continue and the grant and continuance of the said interim order should not be construed as an expression on the merits of the case and the trial Court would decide the application under Order 9 Rule 13 CPC independently, after hearing all the parties concerned, in accordance with law.
7. Pending application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

December 10, 2025.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No