



CR-5067-2025

-1-

123

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

CR-5067-2025

Date of decision: 01.08.2025

DHANI RAM

...Petitioner

Versus

M/S SAI STONE CRUSHER AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

SUDEEPTI SHARMA, J. (ORAL)

1. Present petition is preferred for setting aside the order dated 19.05.2025 (Annexure P-16) passed by Ld. Addl. Civil Judge (Sr. Division), Indri (Karnal) in case titled as “**Dhani Ram V/s M/s Sai Stone Crusher etc.**”, whereby the execution proceedings have been stayed during the pendency of application filed by respondent/defendant No.2 under Order 9 Rule 13 CPC.

2. Learned counsel for the petitioner contends that with an intention to delay the execution proceedings, the respondent/defendant No.2 has second time moved an application under Order 9 Rule 13 CPC, since the first application moved by the respondent/defendant No.2 was dismissed in default vide order dated 05.11.2022. Therefore, Ld. Addl.



Civil Judge (Sr. Division), Indri (Karnal), has wrongly stayed the execution proceedings during the pendency of application under Order 9 Rule 13 CPC filed by the respondent/defendant No.2.

3. I have heard learned counsel for the petitioner and perused the file of the case.

4. A perusal of the order dated 19.05.2025 shows that respondent/defendant No.2 previously filed application under Order 9 Rule 13 CPC, which was dismissed in default vide order dated 05.11.2022. Thereafter, the said application was restored vide order dated 09.05.2023. Further application was moved by the respondent/defendant No.2 on the strength of order dated 02.05.2025 passed by this Court in CR-2638-2025, wherein the respondent/defendant No.2 was advised that he may file his application for stay for implementation of ex parte decree in the pending application under Order 9 Rule 13 CPC. Accordingly, application for staying the execution proceedings was filed by the respondent/defendant No.2.

5. As per the impugned order dated 19.05.2025, the suit was preferred before the Court at Indri in the year 2016 and the execution petition thereafter was also preferred by the petitioner before the Court at Indri. However, on 05.11.2022 precept was ordered to be issued by the Court and accordingly execution petition under Order 21 Rule 6 CPC was transferred to District Judge, Kurukshetra.

6. Since the application under Order 9 Rule 13 CPC was pending, therefore it has rightly been observed by the learned Addl. Civil Judge (Sr. Division), Indri (Karnal) that the respondent would be

*CR-5067-2025*

-3-

remediless if the proceedings of the execution petition are not stayed during the pendency of application under Order 9 Rule 13 CPC. Hence, there is no infirmity in the impugned order dated 19.05.2025 and the same does not warrant any interference by this Court, in limited revisional jurisdiction.

7. In view of the above, the present petition is dismissed.

8. Pending application, if any, stand disposed of accordingly.

(SUDEEPTI SHARMA)
JUDGE

01.08.2025

Ithlesh

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No