

**CR No. 6407 of 2025****1**

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

112**CR No. 6407 of 2025****DATE OF DECISION :- 12.09.2025****Ramesh Kumar****...Petitioner****Versus****Jagdish****...Respondent****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL****Present:-** Mr. Mukesh Yadav, Advocate for the petitioner.*********VIRINDER AGGARWAL, J. (Oral)**

1. Petitioner has assailed the order dated 30.08.2025 passed by the Court of Civil Judge where his application for setting aside ex-parte decree is pending. The application has been declined vide impugned order on the grounds that there is nothing on record at this stage to substantiate the claim of the applicant JD.

2. A perusal of the file shows that the petitioner JD was not served in the civil suit personally rather a substituted service by way of paper publication was effected. Learned counsel for the petitioner alleges that the paper publication was made in a local paper whereas petitioner was residing in Rajasthan, so he was not duly served. Since application of the petitioner is pending before the Court for adjudication and issues have been framed vide impugned order for affording an opportunity to the petitioner to lead evidence to prove his version that he has not been duly served. In case during pendency of the application for setting aside ex-parte proceedings the decree is executed, it would render the application infructuous. Further more



CR No. 6407 of 2025 **2**

the learned Executing Court has already attached the property of the applicant JD so the decretal amount has already been secured. Considering all these facts the learned Civil Judge has not excercised jurisdiction vested in him and has committed a material illegality by not exercising the jurisdiction to stay the execution proceedings pending the decision of application for setting aside ex-parte decree.

3. Notice of this petition would put respondent decree holder to unnecessary inconvenience and expense so notice is dispensed with and the impugned order is set aside.

4. Accordingly, the present revision petition is allowed. Execution of the judgment and decree is stayed till the decision of application for setting aside the ex-parte decree.

(VIRINDER AGGARWAL)
JUDGE

12.09.2025
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No