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

CR-7517-2023 (O&M)
Date of decision : 14.07.2025

HARPARBHJOT SINGH

....Petitioner

Versus

RAJ KUMAR AND ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Arihant Jain, Advocate with
Mr. Rishav Jain, Advocate
for the petitioner.

Mr. Sherry K. Singla, Advocate
for respondent No.1.

PANKAJ JAIN, J. (ORAL)

The present revision petition is directed against order dated 23.11.2023 passed by Additional District Judge, Sangrur whereby stay application filed by the petitioner seeking stay of proceedings before the Executing Court at Moonak, stands declined.

2. The petitioner before this Court is a defendant in a suit for specific performance. The suit filed by respondent/plaintiff was initially decreed for alternate relief of money decree. The first appeal preferred was dismissed. The matter travelled before this Court by way of RSA No.1614 of 2012. The same was decided vide order dated 16.01.2019. The judgment



& decree passed by the First Appellate Court was set aside. The matter was remanded back to the First Appellate Court to decide afresh. The First Appellate Court in the judgment & decree dated 16.11.2019 allowed the appeal preferred by plaintiff/respondent No.1 and decreed the suit for the main relief of specific performance. During the pendency of the regular second appeal before this Court, Amarjit Kaur the only defendant died and as per the counsel, her LRs were not impleaded in the RSA, though the same were impleaded before the First Appellate Court vide order dated 26.03.2019. They, however, remained unrepresented. The defendant moved application under Order IX Rule 13 CPC seeking setting aside of *ex parte* judgment and decree before the First Appellate Court.

3. During the interregnum, execution was filed which finally got satisfied and was withdrawn on 06.12.2023. The order has been placed on record as Annexure R-3 by respondent No.1.

4. In view of aforesaid facts and circumstances, this Court finds that the prayer made by petitioner in the present revision petition for staying of the execution application has been rendered otiose by afflux of time as the execution already stands dismissed as satisfied even prior to listing of the revision petition on 13.12.2023.

5. In these circumstances, an amount of Rs.4,09,000/- which was ordered to be deposited by the petitioner and if deposited, is ordered to be refunded back to the petitioner.



6. The Lower Appellate Court is directed to decide application filed under Order IX Rule 13 CPC by the petitioner for setting aside of *ex parte* judgment and decree expeditiously, preferably before **31.12.2025**.
7. The revision petition is disposed off accordingly.
8. Pending application(s), if any, shall also stand disposed off.

July 14, 2025

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No