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

CR-9035-2025

Date of decision: 24.12.2025

M/s Krishna Enterprises

...Petitioner

Versus

M/s Pallavi Trading Corporation

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lovish Arora, Advocate for the petitioner.

Mr. Vijay Lath, Advocate and
Mr. Naveen Sharma (Moudgil), Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 19.11.2025 (Annexure P-1) passed by the Civil Judge (Senior Division), Moga, whereby an application filed by the petitioner/judgment debtor under Order 21 Rule 29 of CPC has been dismissed.

2. On 05.12.2025, this Court had passed the following order:-

“Present: Mr.Lovish Arora, Advocate for the petitioner.

Inter alia contends that in the present case, application under Order 9 Rule 13 CPC against the ex-parte judgment and decree has been filed by the petitioner and the same is pending. It is submitted that in order to show its bonafide, the



petitioner is ready to bring a demand draft in the name of the respondent for the decretal amount along with interest but has submitted that the payment of the said amount to the respondent should be made after the respondent furnishes adequate surety before the Executing Court and the same be also made subject to the decision in the application under Order 9 Rule 13 CPC.

Notice of motion for 23.12.2025.

Notice re: stay.

To be shown in the urgent list.

Till the next date of hearing, the Executing Court is directed to adjourn the case beyond the date given by this Court.

The petitioner as undertaken before this Court would bring a demand draft of decretal amount along with interest in accordance with the ex-parte decree passed, in the name of the respondent.

December 05, 2025”

3. Learned counsel for the petitioner has submitted that he has brought a demand draft of an amount of Rs.1,03,603/- and has handed over the same to learned counsel for the respondent who has reaffirmed the said fact.

4. During the course of arguments, a consensus has arisen between learned counsel for the petitioner as well as learned counsel for respondent and on the basis of the same, the present revision petition is disposed of with the following observations/direction:-

- i) Respondent would furnish adequate surety with respect to the amount which has been paid by the petitioner to the respondent before the trial Court within a period of three weeks from today.



- ii) In view of the present order passed, the execution proceedings have been rendered infructuous and same would be disposed of as such.
- iii) In case, application filed under Order 9 Rule 13 CPC is dismissed then the respondent would not be liable to return the money which has been paid by the petitioner to the respondent in the present proceedings. However, in case application under Order 9 Rule 13 CPC is allowed and the suit filed by the respondent is either dismissed or is decreed for lesser amount, than the amount for which it has been decreed presently, then the respondent would be liable to return the amount received in excess, to the petitioner and for the said purpose, it would be open to the petitioner to initiate appropriate proceedings.
5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

24.12.2025

Pawan

Whether speaking/reasoned:-
Whether reportable:-

(VIKAS BAHL)
JUDGE

Yes/No
Yes/No