

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6948-2025 (O&M)

SUKHDEV SINGH

..Petitioner

Versus

VIRENDER SINGH BHATI AND OTHERS

..Respondents

Reserved on: 02.12.2026
Date of decision: 05.02.2026
Uploaded on: 05.02.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

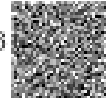
Present: Ms. Tejaswini, Advocate
Ms. Khyati Oberoi, Advocate
for the petitioner.

Mr. Rajiv Sharma, Advocate
for the respondents.

SUDEEPTI SHARMA, J. (Oral)

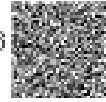
1. The present civil revision petition is filed under Article 227 of Constitution of India for setting aside order dated 08.09.2025 passed by learned Civil Judge (Jr. Division) Faridabad, whereby, application filed by the respondent seeking condonation of delay to deposit remaining sale consideration as directed by learned Additional Civil Judge (Sr. Division) Faridabad vide judgment and decree dated 15.07.2023 has been allowed and for setting aside order dated 08.09.2025, whereby, objection filed by petitioner/**JD No.2** have been dismissed.

2. Brief facts of the case as per the pleadings are that agreement to sell was executed between the parties regarding agricultural land on 10.11.2015. Petitioner was proceeded against *ex parte* in civil suit on 25.11.2019. On 15.07.2023 *ex parte* suit was decreed in favour of respondent



wherein, condition was imposed that respondent was to deposit amount of Rs.7,00,000/- within two months from the date of decree. Last date for deposit of balance consideration expired on 15.09.2023 and respondent failed to deposit the amount. On 12.10.2023, respondent filed execution petition. On 20.11.2023 he filed condonation of delay application for a delay of 02 months 05 days which was initially allowed without notice to the petitioner. On 12.12.2023, petitioner filed application under Order IX Rule 13 CPC for setting aside *ex parte* decree. Initially Executing Court and original Court were the same. And thereafter, Executing Court no longer was the original Court. Therefore, the petitioner moved transfer application before Sessions Court on the ground that initially both execution petition and application under Order IX Rule 13 CPC were pending before learned Civil Judge (Sr. Division), Faridabad. However, execution petition was transferred to the Court of learned Civil Judge (Jr. Division), Faridabad and both applications under Order IX Rule 13 CPC for setting aside the *ex parte* decree dated 15.07.2023 and **execution petition** are arising out of the same judgment. Therefore, both the cases be transferred to the same Court. Further application was moved on 30.08.2025 before the Executing Court i.e. learned Civil Judge (Jr. Division), Faridabad to adjourn the matter till transfer application is decided. The application was dismissed on the same day. On 08.09.2025, the application moved by the respondent for condonation of delay was allowed and the objection filed by the petitioner were dismissed. Hence, the present civil revision petition.

3. Learned counsel for the petitioner contends that despite lacking the jurisdiction being Executing Court and not the original Court to entertain

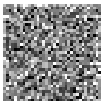


the application seeking condonation of delay to deposit remaining sale consideration learned Executing Court has still allowed the application filed by the respondent seeking condonation of delay to deposit the remaining sale consideration which could only be allowed by the original Court and not executing Court since, the Executing Court cannot go beyond the decree. She further contends that her application under Order IX Rule 13 CPC is still pending and without decision on the application under Order IX Rule 13 CPC, the Executing Court has proceeded with the execution. She, therefore, prays that the present civil revision petition be allowed and orders of even date dated 08.09.2025 passed by learned Civil Judge (Jr. Division) Faridabad be set aside.

4. Per contra, learned counsel for respondent contends that there is no infirmity in both the orders of even date dated 08.09.2025 which requires interference by this Court. He therefore, prays that the present civil revision petition be dismissed.

5. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

6. A perusal of the file shows that the petitioner has already filed an application for setting aside *ex parte* decree which is pending before the original Court and without its decision the Executing Court should not proceed further since the whole purpose for filing application under Order IX Rule 13 CPC of the petitioner would be redundant if the execution would be decided. Therefore, justice demands that application under Order IX Rule 13 CPC should be decided in a time-bound manner.



7. In view of the above, learned ACJ (Sr. Division), Faridabad is directed to decide the application filed by the petitioner under Order IX Rule 13 CPC expeditiously preferably within a period of 01 month from the date of decision.
8. In view of the above observation, no interference is required in orders of even date dated 08.09.2025 passed by learned Civil Judge (Junior Division) Faridabad.
9. Accordingly, the present civil revision petition is ***disposed of***.
10. Pending miscellaneous applications, if any, are also disposed of.

05.02.2026

Saahil

(SUDEEPTI SHARMA)
JUDGE

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