

PUNJAB AND HARYANA HIGH COURT

Before: Mr. Justice Darshan Singh.

DAVINDER PAL SINGH and another – Petitioners,

Versus

NARINDER PAL SINGH and others – Respondents.

CR No.722 of 2016 (O&M)

12.04.2016

Civil Procedure Code, 1908 (V of 1908) Order 9, Rule 13 – Application filed by the petitioners under Order 9 Rule 13 [CPC](#) for setting aside the ex parte judgment and decree is still pending – It will not be appropriate to rush with the execution till the decision of that application – Execution proceedings pending in the Court of Civil Judge will remain stayed till the decision of the application under Order 9 Rule 13 CPC moved by the petitioners – CPC O. 9 R. 13.

Mr.Ashish Gupta, for the petitioners. Mr. Simranjeet Singh Sarwara, for respondent No.1.

Darshan Singh, J. – The present revision petition has been preferred against order dated 5.1.2016 passed by the Civil Judge (Jr. Division), Rajpura, whereby an application moved by the petitioners for staying the execution proceedings during the pendency of the application under Order 9 Rule 13 CPC for setting aside the ex parte judgment and decree dated 25.11.2014, has been dismissed.

2. Learned counsel for the parties have been heard.

3. This fact is not disputed that the application filed by the petitioners under Order 9 Rule 13 CPC for setting aside the ex parte judgment and decree dated 25.11.2014 is still pending. It will not be appropriate to rush with the execution till the decision of that application. So, the execution proceedings pending in the Court of Civil Judge (Jr. Division), Rajpura will remain stayed till the decision of the application under Order 9 Rule 13 CPC moved by the petitioners.

4. On the request of learned counsel for the respondents, the learned trial Court is directed to expedite the disposal of the application under Order 9 Rule 13 CPC. The same may be decided preferably within five months.

5. The present revision petition stands disposed of.

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