



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

**CR No. 5339 of 2025 (O&M)
DATE OF DECISION: 11.08.2025**

GURPAL SINGH

.....PETITIONER

Vs.

BALWANT SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Sunny K. Singla, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 18.07.2025 (Annexure P-4), passed by the learned Civil Judge (Senior Division), Malerkotla, in Civil Suit No. 648 of 11.07.2022, titled *Balwant Singh vs. Gurpal Singh*, whereby the application for staying the execution proceedings till the decision of the application under Order IX Rules 7 and 13 of the Code of Civil Procedure, 1908 (for short, "the CPC"), read with Section 151 thereof, filed by the petitioner for setting aside the *ex parte* decree, has been dismissed.

2. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

3. Learned counsel for the revisionist-petitioner submitted that the *ex parte* judgment and decree dated 20.11.2023 (Annexure P-1) was passed by the learned Additional Civil Judge (Senior Division), Malerkotla, against the present revisionist-petitioner/defendant. It was further submitted



that the revisionist-petitioner had filed an application for staying the proceedings, but the same was wrongly dismissed, despite the fact that an application under Order IX Rules 7 and 13, read with Section 151 of the CPC, was already pending.

4. It was further submitted that, in the meanwhile, the respondent-plaintiff had preferred an execution application, and in view of the fact that the application under Order IX Rules 7 and 13, read with Section 151 of the CPC, was pending, the very purpose of filing the said application would be frustrated if the execution proceedings were not stayed.

5. To support his contentions, learned counsel for the revisionist-petitioner has placed reliance upon the judgments passed by this Court in *CR No. 3760 of 2023, titled as "Siraj @ Suraj vs. Sumit Jain"*, decided on 06.07.2023; *Davinder Pal Singh and another vs. Narinder Pal Singh and others*, 2016(3) RCR (Civil) 194; *M/s Khass Fashion and another vs. Gurinder Singh*, 2019(2) Law Herald 1093; *Sanjay Sharma vs. Raj Kumar*, 2020(2) RCR (Rent) 557; and *Mehar Singh and others vs. Firm Pakher Singh and others*, 2004(1) RCR (Civil) 799.

6. In view of the order proposed to be passed, notice is not being issued to the respondent-plaintiff as it would delay the proceedings besides entailing additional expense to the respondent-plaintiff.

7. Keeping in view the facts and circumstances of the present case, the present petition is disposed of with a direction that the proceedings before the executing Court shall remain stayed until the application filed by the revisionist-petitioner under Order IX Rules 7 and 13, read with Section 151 of the CPC is adjudicated upon by the Court of



the Civil Judge (Senior Division), Malerkotla. The learned lower Court is further directed to expedite the proceedings in the said application and dispose of the same within a period of two months from the next date of hearing fixed before it.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

AUGUST 11, 2025
nitin

(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No