



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

(123)

CR-7351-2025

Date of Decision:-16.10.2025

MAKHAN SINGH (SINCE DECEASED) THROUGH HIS LR

... Petitioner

Versus

GURDEV SINGH AND OTHERS

.. Respondents

-:-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Aditya Dassaur, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking setting aside the impugned order dated 24.09.2025 (Annexure P-14) passed by learned Civil Judge (Junior Division), Phillaur, District Jalandhar, vide which, the application for stay of execution proceedings pending before Executing Court has been granted in application pending with that Court under Order IX Rule 13 of CPC for setting aside the *ex parte* judgment and decree.

2. Perusal of the impugned order shows that the learned Civil Judge while granting stay has safeguarded the interest of the decree holder and has specifically recorded that property of the JD under attachment in the execution petition shall however remain attached and perusal of the order further shows that the issues were framed on the application under Order IX Rule 13 of CPC vide that impugned order. Learned counsel further contended that it will take long time in disposal of the application and the interest of the decree holder would be harmed by stay of the execution of the decree for such a long time. The



Court has to balance the interest of both the parties. Now, considering the fact that respondent-JD has moved an application for setting aside the *ex parte* judgment and decree and in case, the stay granted is vacated and the decree is executed, then his rights would be jeopardized and in case, the proceedings are allowed to be lingered on by the respondent-JD for years together, then the interest of the petitioner-decree holder would suffer, so, in such circumstances, the learned Civil Court is directed to dispose of the application for setting aside the *ex parte* proceedings within a period of six months by affording short adjournments to both the parties and providing them sufficient opportunity to lead evidence on the issues already framed.

Accordingly, the present revision petition is disposed of, so also the pending miscellaneous applications, if any.

16thOctober, 2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No