



CR-4383-2024 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-4383-2024 (O&M)

Date of Decision : 23.07.2025

Krishan Chand

... Petitioner

Versus

Kailasho Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.C.Shahpuri, Advocate,
for the petitioner.

Mr. Arshdeep Bhullar, Advocate,
for the respondent.

PANKAJ JAIN, J. (Oral)

The petitioner has suffered an *ex parte* decree. His application filed under IX Rule 13 CPC for setting aside *ex parte* judgment and decree dated 11.10.2021 stands dismissed vide order dated 30.05.2024. The appeal has been preferred against the same. In the appeal, an application was filed for setting aside the execution proceedings which arose out of the *ex parte* judgment and decree. The said application stands dismissed vide order dated 18.07.2024 (Annexure P-7) which is subject matter of the present revision petition.

2. While issuing notice of motion, this Court observed as under : -

“Application of the petitioner – defendant of civil suit bearing No.CS/747/2017 titled “Kailasho Devi v. Krishan Chand”, under Order 9 Rule 13 CPC was dismissed on



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30.05.2024 against which he filed an appeal, which is still pending. He prayed for staying the proceedings of the pending executions but the same has not been granted. Learned counsel contends that now by way of impugned order dated 28.05.2024, conditional warrants of arrest have been issued against the petitioner/JD returnable on 09.08.2024. Learned counsel prays for staying the operation of the said conditional warrant.

Learned counsel undertakes that petitioner shall furnish the security in the decretal amount or the bank guarantee in the said amount before the Executing Court.

Notice of motion for 30.01.2025.

In the meantime, operation of the impugned order dated 28.05.2024 (Annexure P-8) shall be stayed subject to furnishing of the security/bank guarantee in the decretal amount to the satisfaction of the Executing Court.”

3. It is not disputed that pursuant to the said order, security has been furnished.
4. In view of the aforestated circumstances, this Court deems it fit to dispose of the present revision petition with direction to the Lower Appellate Court to decide the appeal titled as “Krishan Chand v. Kailasho Devi” vide CA No.186 of 2024 preferably within a period of 3 months from the date of receipt of a copy of the present order.
5. Till final disposal of the appeal, order dated 7.8.2024 passed by this Court shall remain in operation.
6. Pending application, if any, stands disposed off.

(PANKAJ JAIN)
JUDGE

July 23, 2025

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No