

Bidhi CHAND VS NARESH

02.08.2023

*Present: Sh. H.S.Katoch, Adv. for the D.H.
Sh. P.P. Singh, Adv. for the J.D.*

This order shall dispose of objections filed by the judgment debtor under Section 47 of C.P.C. The only ground taken by the judgment debtor is that the judgment debtor has preferred an application Under Order 9 Rule 13 of C.P.C., for setting aside the exparte decree passed against the judgment debtor. It is submitted that application under Order 9 Rule 13 of C.P.C is still pending and irreparable loss will be caused to the judgment debtor, if the present execution is proceeded with and the present execution proceedings be dropped until the said application is decided by this court. It is settled law that mere filing of application under order 9 Rule 13 of C.P.C. for setting aside an exparte decree can not be a ground and same can not stay the execution proceedings filed by a decree holder. The only ground of objection is pendency of application under Order 9 Rule 13 of C.P.C., and same is not permissible ground against execution of a decree passed by this court. Hence, there are no merit in the objections filed by judgment debtor and hence, they are accordingly, dismissed. List the execution for filing list of property on 15.09.2023.

*(Vikas Kapoor)
Civil Judge, Indora.*