

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CM(M) No. 16/2021
CM No. 6905/2021
CM No. 7280/2021
CM No. 6570/2021

M/s Kohli Transport Carriers Pvt. Ltd.
Jammu

.....Applicant (s)

Through: Mr. K. S. Johal, Sr. Advocate with
Mr. Inderjeet Gupta & Mr. Supreet Singh
Johal, Advocate

Vs

Kamlesh Kumar Dubey

.....Respondent(s)

Through: Mr. R. K. Jain, Sr. Advocate with
Mr. Mohit Jain, Advocate

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
21.09.2022

Heard in part.

With respect to execution of an eviction decree dated 14.07.2015 passed on file no. 25/Civil titled "Kamlesh Kumar Dubey and others Vs M/s Kohli Transport Carriers Pvt. Ltd. and others" by the Court of 1st Additional District Judge, Jammu, an order dated 29.07.2021 passed in the course of the same by the executing Court for securing the delivery of possession of the decretal premises, the judgement debtor has come to invoke supervisory jurisdiction of this Court.

In the course of submissions, the learned senior counsel for the petitioner has referred to the fact that while on one hand the executing Court is going ahead with the execution of the said decree, on the other hand the application for condonation of delay along with an application

for setting aside ex-parte decree filed by the judgement debtor has been pending adjudication simultaneous to the execution proceedings before the same very Court.

Before proceeding further, this Court deems it fit to send for the record of the said file dealing with condonation of delay application of the judgement debtor for seeking setting aside of the ex-parte decree.

Let the requisite record with respect to application for setting aside ex-parte decree and condonation application therewith be summoned from the Court of 1st Additional District, Jammu and for that Registrar Judicial Jammu to send notice for summoning of the desired record.

List this case on 17.10.2022.

In the meantime, interim directions dated 20.08.2021 17.09.2021 to continue till next date of hearing before the Bench.

(Rahul Bharti)
Judge

Jammu
21.09.2022
Muneesh