CNR No: PHHC011526232026
2026:PHHC:129039

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6850-2026
Date of Decision: 11.09.2026

Ravinder Pal and another ...Petitioners

Versus

Baldev Krishan and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Aminder Singh, Advocate for the petitioners.

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DEEPAK GUPTA, J.

The petitioners, defendants No.1 and 2 before the learned trial Court, have invoked the revisional jurisdiction of this Court to assail the order dated 13.08.2026 passed by the learned Civil Judge (Junior Division), Sangrur, whereby their application seeking stay of the proceedings for preparation of the final decree in the partition suit has been dismissed.

2. Learned counsel for the petitioners submits that an ex parte preliminary decree of partition was passed on 06.04.2026 and that the petitioners have already moved an application under Order IX Rule 13 read with Section 151 CPC seeking setting aside of the said decree. It is contended that unless the final decree proceedings are stayed, the petitioners would suffer prejudice in the event their application under Order IX Rule 13 CPC ultimately succeeds.

3. The submission, though attractive at first blush, does not merit acceptance in the facts and circumstances of the present case.

4. The impugned order records that, according to the respondents, the petitioners had appeared in the suit on 01.07.2023 and thereafter continued to appear up to 08.05.2025. They failed to file reply to the application for production of documents despite having availed several opportunities and even after imposition of costs, whereafter they were proceeded against ex parte. The

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learned trial Court has further recorded that the petitioners have already filed an application under Order IX Rule 13 CPC and, after hearing the parties, an issue has been framed regarding the validity of the ex parte preliminary decree. The matter has been fixed for the petitioners' evidence.

5. Thus, the petitioners are not remediless. Their grievance regarding the ex parte preliminary decree is already pending consideration before the competent Court in proceedings under Order IX Rule 13 CPC. The mere filing of such an application cannot, as a matter of course, confer upon the petitioners a right to stall the consequential proceedings arising from the preliminary decree, particularly when the record reflects that their ex parte status was preceded by their participation in the suit and their failure to comply with the opportunities granted by the trial Court.

6. The learned trial Court has also noticed that the proceedings presently pending for preparation of the final decree involve, inter alia, measurement of the property by the Field Kanungo through DGPS and submission of a report regarding the factual position and proposed mode of partition. The Court has specifically recorded that the Field Kanungo is only required to place the factual position and proposed mode of partition before the Court.

7. More importantly, the conduct of the petitioners does not justify exercise of the discretionary revisional jurisdiction in their favour. A party, which has remained absent after participating in the proceedings and after availing opportunities cannot, merely by subsequently invoking Order IX Rule 13 CPC, claim an automatic suspension of all consequential proceedings. The remedy under Order IX Rule 13 CPC has to be adjudicated on its own merits, and the petitioners would be entitled to establish their plea before the learned trial Court.

8. At this stage, however, no ground is made out for interdicting the final decree proceedings altogether. The observation of the learned trial Court regarding the petitioners not having approached the Court with entirely clean hands also cannot be said to be wholly irrelevant. The Court has recorded that when the Field Kanungo went to the spot, members of the Kisan Union

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obstructed him from carrying out the proceedings and has noticed the question whether such obstruction was at the behest of the petitioners. Though this Court does not propose to return any finding on that allegation, the overall conduct of the petitioners, as emerging from the impugned order, certainly does not warrant an equitable order staying the consequential proceedings.

9. At the same time, the pendency of the application under Order IX Rule 13 CPC deserves to be appropriately safeguarded. Continuation of the final decree proceedings should not be construed as foreclosing or prejudicing the petitioners' statutory remedy. The final decree, if prepared, and any execution or implementation thereof, would necessarily remain subject to the ultimate outcome of the application under Order IX Rule 13 CPC.

10. Consequently, the present revision petition is dismissed. It is, however, clarified that any final decree passed or any further proceedings taken pursuant to the ex parte preliminary decree dated 06.04.2026 shall remain subject to the final outcome of the petitioners' application under Order IX Rule 13 read with Section 151 CPC. In the event the said application is ultimately allowed and the ex parte preliminary decree is set aside, the consequential proceedings shall abide by and be dealt with in accordance with the order passed in those proceedings.

11. The learned trial Court shall endeavour to decide the application under Order IX Rule 13 CPC expeditiously, in accordance with law, without granting unnecessary adjournments to either side. Nothing contained in this order shall be construed as an expression of opinion on the merits of the application under Order IX Rule 13 CPC. The said application shall be decided independently on the basis of the pleadings and evidence led by the parties.

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

11.09.2026 **(DEEPAK GUPTA)**

Yogesh **JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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