

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1457 of 2015

Date of Decision.20.03.2015

Smt. Yashoda

.....Petitioner

Versus

Jaswant Singh and others

.....Respondents

Present: Mr. Rose Gupta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The revision petition is at the instance of the decree holder who is aggrieved that he is not able to execute the decree that he has obtained in the year 2003. The objection which has come at the stage of execution is at the instance of the third party after whose objection the court framed issues for adjudication. The counsel argues that any objection in execution must be treated as only requiring only summary adjudication and the Court ought not to have framed issues for consideration.

2. The whole submission is erroneous. The third party objector is entitled to be heard in the scheme of Order 21 Rule 97 to 99 and Order 21 Rule 101 states clearly that any adjudication made on third party objection will be treated as decree and not as merely an order. An order that has all the trappings of a decree which finally concludes the rights of third parties will have to go through a formal adjudicatory

process and if the Court directs the focus of parties to the matters for consideration by framing issues, I will not find any fault in the procedure adopted for intervention in the revision petition.

3. The civil revision petition is dismissed. The counsel says that the case is pending for the long time without an adjudication. The Court may endeavour to dispose of the application of the third party as expeditiously as possible.

(K. KANNAN)
JUDGE

March 20, 2015
Pankaj*