

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 3233 of 2015
Date of Decision: 14.5.2015.

Sheela Devi and others

.....Petitioners

Versus

Raman Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ravish Bansal, Advocate
for the petitioners.

SABINA, J.

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 24.3.2015 (Annexure P-3) whereby objection petition filed by the petitioners, was dismissed.

I have heard the learned counsel for the petitioners and have gone through the record available on the file carefully.

Respondent had raised an industrial dispute and the Industrial Tribunal vide its award dated 17.8.2012 answered the reference in favour of the respondent. The termination of the respondent with effect from 9.7.2004 was set aside and he was ordered to be reinstated with continuity of service and was also held entitled to receive back wages to the extent of 40%. Since the management had failed to comply with the award, respondent approached the Executing Court for execution of the award. Petitioners filed their objection petition before the Executing Court.

The case of the petitioner was that the award had been passed against M/s Anjali Silk and Sarees. Prem Chand was the proprietor of the firm. The business of the firm stood closed after the death of Prem Chand. The petitioners had not inherited any moveable or immovable property belonging to Prem Chand. Hence, the execution petition was liable to be dismissed.

The learned Executing Court rightly dismissed the objections filed by the petitioners as the award had been passed by the Industrial Tribunal against the management and the judgment debtor firm/management was liable to execute the same. The learned Executing Court has noticed that the petitioners had failed to specify as to what had happened to the partnership firm after the death of Prem Chand. There is nothing on record to suggest that the business of the firm had been closed by Prem Chand before his death. In these circumstances, the judgment debtor firm is liable to execute the award passed by the Industrial Tribunal.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

May 14, 2015
Gurpreet