

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 3761 of 2015 (O/M)
Date of decision : 10.8.2015

Balbir Singh

..... Revisionist

Versus

Om Parkash

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jai Bhagwan, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
- .- -.-

KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 22.9.2014/30.9.2014 (Annexure-P-2), passed by the learned Additional Civil Judge (Senior Division), Abohar, whereby in the execution proceedings, the Local Commissioner was appointed and the sale deed was ordered to be executed. Also impugned in the present revision is the order dated 17.4.2015 (Annexure-P-4), passed by the Additional District Judge, Fazilka, whereby the order dated 22.9.2014/30.9.2014 (Annexure-P-2), passed by the learned Additional Civil Judge (Senior Division), dismissing the execution under Order 9 Rule 2 of Code of Civil Procedure, 1908, was set aside.

CR No. 3761 of 2015 (O/M)

I have heard learned counsel for the revisionist and have also carefully gone through the file.

So far as the order of the appellate Court, setting aside of the order passed under Order 9 Rule 2 of Code of Civil Procedure, is concerned, there is nothing wrong in the same. The execution could not have been dismissed just for one default, the way it was done by the learned Additional Civil Judge (Senior Division), Abohar. So far as the order (Annexure-P-2) is concerned, the execution is pending and the Local Commissioner is appointed and there is no illegality or infirmity in the same.

The learned counsel for the revisionist has argued that he has filed application under Order 9 Rule 13 CPC for setting aside the ex-parte decree. However, none of the order passed under Order 9 Rule 13 CPC has been impugned before this Court. Therefore, no comments can be made in this regard.

Finding no merits in the present revision, the same is accordingly dismissed.

(KULDIP SINGH)
JUDGE

10.8.2015
sjks