

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

C.R. No.4784 of 2004

Date of Decision.13.03.2015

2. C.R. No.4785 of 2004

Rajbir Singh and others

.....Petitioners

Versus

Prem Singh and others

.....Respondents

3. C.R. No.1777 of 2005

Sheoji Ram L.Rs.Chand Ram Son of Sheoji Ram and others

.....Petitioners

Versus

Prem Singh and others

.....Respondents

Present: Mr. G.S. Gandhi, Advocate
for the petitioners.

Mr. N.C. Kinra, Advocate
for respondent Nos.1, 2, 4 and 7 in C.R. No.4784 of 2004.

Mr. Sushil Sardana, Advocate
for respondent No.3.

Mr. Sudhir Hooda, Advocate.

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 in C.R. No.4784 of 2004 is by the decree holders who is aggrieved against the order passed by the Executing Court allowing for an impleadment through an application under Order 1 Rule 10 CPC. The objection has been that the third party cannot be

permitted to be impleaded at the execution stage. There is also an objection that the 3rd party has independently filed a suit for injunction and sought for interim order and that interim order was also declined. He filed an appeal which he has withdrawn by saying that further proceedings in execution had been stayed and therefore, he was not prosecuting the appeal. It appears that the suit itself has been adjourned sine die.

2. Before arguments got underway, I asked the counsel appearing for the respondent-obstructor as to how such an application for impleadment could be laid down. The counsel points out that the Executing Court itself treated it as an objection and framed issues regarding the contentions raised against the executability of the decree. The counsel says that if one more opportunity given, he will examine all the witnesses. Needless to state that all the witnesses produced by the third party will be permitted to be cross-examined by the decree holder and any adjudication that the Court makes will be taken as adjudication made under Order 21 Rule 101 CPC. The suit which he has filed, the counsel would say that he will withdraw in the light of the objection filed before the Executing Court which is ordered to be treated as application under Order 21 Rule 97 CPC. The suit which is said to have been filed by the petitioner which is reported to be adjourned sine die shall be withdrawn as per the undertaking and the Court will not allow for any trial of the suit.

3. With these observations, the civil revision in C.R. No.4784 of 2004 is disposed of.

4. The revision petitions in C.R. No.4785 of 2004 and C.R.

No.1777 of 2005 are disposed of as unnecessary in the light of the judgment that I have passed in C.R. No.4784 of 2004.

(K. KANNAN)
JUDGE

March 13, 2015
Pankaj*