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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.5462 of 2015
Date of Decision: 25.08.2015**

RAM KUMAR @ RAJ KUMAR

.....Petitioner

Vs

SUNEHRI DEVI AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

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?*

RAJ MOHAN SINGH, J.(Oral)

[1]. In **Civil Revision No.2951 of 2010** decided on 19.05.2015 titled **Ram Kumar alias Raj Kumar v. Sunehri Devi and others** following orders were passed:-

“Learned counsel for the petitioner seeks withdrawal of this petition with liberty to take all the pleas taken herein before the Court below and urges that the Court below has straightway ordered arrest of the Judgment Debtor without taking re-course to the immovable and movable property of the petitioner though, the petitioner was ready to make the payment but such readiness has not been taken into consideration by the Court below. He states that the petitioner would make an application before the Court below for either making payment in installments or for sale of his movable property i.e., tractor first.

*Dismissed as withdrawn with liberty as prayed for.
If such an application is moved by the petitioner within 10 days from today, the same would be decided by the Court below within 15 days thereafter. Meanwhile, the impugned order would not take effect till decision of that application.”*

[2]. Learned counsel for the petitioner contends that no steps have been taken by the decree holder to recover the amount from owner of the vehicle. The liability was joint and several.

[3]. Learned counsel also contends that petitioner has no resources to answer the claim of the decree-holder.

[4]. Perusal of the order dated 19.05.2015 shows that learned counsel showed his willingness to pay the amount and in view thereof, he undertook to file application before the Court below for either making the payment in instalments or for sale of his moveable property. The said revision petition was got dismissed as withdrawn with the liberty aforesaid. This Court also granted 15 days time to the petitioner to move the application before the trial Court and in the meanwhile it was ordered that the order challenged therein would not take effect till decision of such application.

[5]. Now the prayer involved in the present petition is also akin to the earlier revision petition.

[6]. Trial Court has declined the prayer by observing that even if the amount is recovered from the petitioner, he can take recourse to recover the same from judgment-debtor No.2 as liability upon them is joint and several. Trial Court has also observed that the legal

representatives of the judgment-debtor No.2 have not yet appeared after notice.

[7]. In view of aforesaid, no ground to interfere in this revision petition is made out.

[8]. Dismissed.

August 25, 2015

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(RAJ MOHAN SINGH)
JUDGE