

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

**CR No.7551 of 2015 (O&M)
Date of decision: 06.11.2015**

Gurbachan Singh through his LRs

....Petitioner(s)

Versus

Om Parkash and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harkanwarjit Singh, Advocate
for the petitioner(s).

RITU BAHRI J. (Oral)

The petitioner(s) have come up in revision for setting-aside the order dated 03.08.2015 (Annexure P-6) whereby the objections preferred by the petitioners have been dismissed.

A perusal of the order shows that counsel for the JD was present when the order was passed. The suit filed by the plaintiff-Om Parkash had been decreed by the trial Court and the same has been affirmed by the Hon'ble Supreme Court vide order dated 25.02.2011 in SLP No.14062 of 2010.

Learned counsel for the petitioners is not disputing that the application filed by Preeti Bansal for impleading the LRs has been allowed by Hon'ble Supreme Court vide order dated

11.11.2010. The copy of the application made before the Supreme Court had been placed on record before the Executing Court for impleadment as a party being respondent. The requisite permission had been granted to implead Preeti Bansal as a respondent and the objections of the present petitioner had been dismissed.

A perusal of the objections dated 11.04.2014 (Annexure P-3) in paragraph 4 shows that the main ground taken is that the execution filed on behalf of Preeti Bansal was not maintainable as Om Parkash-decreeholder has not executed any representation letter in favour of Preeti Bansal. This issue has been dealt with by Hon'ble Supreme Court while allowing the application for impleadment of Preeti Bansal vide order dated 11.11.2010. Another ground for setting-aside the impugned order raised by learned counsel for the petitioner is that vide impugned order dated 16.07.2015 (Annexure P-4), the execution had been adjourned for 01.08.2015 on a request made by decree-holder to place on record the copy of order passed by Hon'ble Supreme Court of India. However, the matter was taken up on 03.08.2015 without any knowledge to the JDs. Since, the counsel for the JDs has put in appearance on that date and the petitioner is not disputing that the order dated 11.11.2010, passed by Hon'ble Supreme Court has been placed on record in pursuance to the order passed on 16.07.2015. Learned counsel for the petitioners submits that the presence of counsel for the DH has been marked,

but he did not appear in the Court and he has not disputed the fact that Preeti Bansal had been impleaded as a party.

No ground for interference is made out, at this stage.

Dismissed.

(RITU BAHRI)
JUDGE

06.11.2015

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