

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

**Civil Revision No.762 of 2015**

**Date of Decision: 02.02.2015**

Vinay Kumar

..... Petitioner

Vs.

Smt. Saraswati Devi

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Harish Nain, Advocate for the petitioner.

**JASWANT SINGH, J. (ORAL)**

The judgment debtor qua recovery of a sum of ₹ 4,38,968/- towards arrears of rent from 01.02.2008 till 31.08.2013 is in revision aggrieved by the order dated 19.01.2015 (P-5), passed by learned Civil Judge (Jr. Divn.), Narwana, whereby application under Order 21 Rule 11(2) CPC has been dismissed.

Learned Counsel for the petitioner submits that the provisions of Order 21 Rule 11(2) CPC are mandatory and the decree holder having not filed the execution proceedings neither through power of attorney nor being signed, the said proceedings are liable to be rejected.

Having heard learned Counsel for the petitioner, this Court finds no merit in the instant revision petition.

Learned trial Court has noticed the impact of the said rule and correctly held that the said provisions are not mandatory and even if they are not complied with, it is the duty of the Court to get defect remedied then and there or within a time fixed by it. In the present case, it has been acknowledged that the said defect has already been remedied by the decree holder and the power of

attorney on behalf of the decree holder has already been filed along with the affidavit of the decree holder.

The learned trial Court has correctly dismissed the application with compensatory costs.

In view of the above, this Court finds no merit in the present revision petition, the same is hereby dismissed.

**February 02, 2015**  
**Gagan**

**(JASWANT SINGH)**  
**JUDGE**