

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

**CR No. 7628 of 2015**  
**Date of Decision: November 17, 2015**

**Raj Kumar**

**..... Petitioner**

**Versus**

**Dharambir and another**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Harish Bhardwaj, Advocate  
for the petitioner.

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**Amit Rawal, J (Oral)**

The challenge in the present revision petition is to the order dated 20.8.2015 whereby the application moved by the petitioner before the trial court for compliance of the order dated 31.10.2008 passed by this Court in RSA No. 4650 of 2003 titled as Dharambir and another Vs. Raj Kumar had been dismissed on the ground that the court had no jurisdiction.

Learned counsel for the petitioner submits that any order passed by the higher court is to be executed by the court of first instance. The trial court has relegated the petitioner to file a contempt petition or avail other mode which is not correct.

The grievance of the petitioner is that the respondent has not complied with the direction and has not come forward for recovery of an amount of ₹3 lacs in terms of the compromise affected by this Court in the order dated 31.10.2008 passed in RSA No. 4650 of 2003.

Keeping in view the aforementioned facts the impugned order is set aside. The matter is remitted back to the trial court to decide the application afresh in view the provisions of Section 37 and 38 CPC.

The revision petition stands allowed.

**(AMIT RAWAL)**  
**JUDGE**

**November 17, 2015**  
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