

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7460 of 2014

Date of Decision: 15.12.2015

Leela Krishan

... Petitioner(s)

Versus

Joginder Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Amit Rawal.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Munish Mittal, Advocate
for the petitioner(s).

Mr. R.S.Badhran, Advocate
for respondent No.1.

Amit Rawal, J.

The petitioner, third party objector, is aggrieved of the order whereby the objections filed in the execution of the judgment & decree dated 19.7.2010 have been dismissed.

Mr. Munish Mittal, learned counsel appearing on behalf of the petitioner submits that the money decree above mentioned has been passed against Subhash son of Leela Krishan, though the same had attained finality but the fact that the decree holder cannot seek attachment and sale of the property belonging to the petitioner and in this regard the objections have been filed, which have been dismissed and were not taken into consideration by the revenue record.

Mr. R.S.Badhran, Advocate appearing for respondent No.1

submits that the revision petition is not maintainable in view of the provisions of Rule 4 of Order 58 of the Code of Civil Procedure as the dismissal of the objections would have the same force as it is a decree and the remedy, if any, lies elsewhere.

I have heard learned counsel for the parties and peruse the paper book.

Keeping in view the fact that the dismissal of the objections would have the force of decree in view of the provisions of Order 21 Rule 103 of the Code of Civil Procedure, the remedy, if any, to the petitioner would be to file an appeal before the Court which would have the jurisdiction to hear the appeal against the judgment & decree passed by the Court having original jurisdiction.

In view of such situation, the petitioner is relegated to challenge the impugned order by filing an appeal. In case any application for condonation of delay is filed, the same shall not be objected to. In view of the settled provisions of law laid down by this Court in ***Rakam Singh and Another v. Jagat Singh and Another*** **1982 RLR 75**, the petitioner is granted one month's time to file an appeal before the competent Court and shall also seek condonation of delay by taking the aid of Section 14 of the Limitation Act.

The revision petition stands disposed of.

(Amit Rawal)
Judge

December 15, 2015

"DK"