

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.8387 of 2015 (O&M)
Date of decision: 09.12.2015

Devi Dayal Raj Kumar

... Petitioner

Vs.

Jagdish Rai and others

... Respondents

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. P.S.Dhaliwal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-defendant/judgment debtor is aggrieved by the order dated 30.04.2015 (Annexure P-3), whereby, the application seeking review of the order dated 21.05.2010 dismissing the objections *vis-a-vis* execution has been dismissed being barred by law of limitation.

Mr.P.S.Dhaliwal, learned counsel appearing on behalf of the petitioner-defendant/judgment debtor submits that though the order dated 21.05.2010, revision petition lied but the fact remains that on the advice of the advocate, review application was filed without any intentional delay. However, during the filing of review application, delay has occurred, accordingly, the application seeking

condonation of delay was filed. However, the executing Court has dismissed the same in summarily manner, which is not a procedure to be adopted. At least, issues should have been framed and evidence had to be lead. He further submits that respondent/auction purchasers have purchased the property measuring 8' x 16' in auction and have taken the possession of 8' x 23' by adding 7' which belongs to the Municipal Corporation. It is in these circumstances, objections were filed.

I have heard learned counsel for the petitioner-defendant/judgment debtor and appraised the paper book.

There is no provision to seek review of the dismissal of the objections. Remedy, if any, was to file revision or appeal, in case, it was third party objection at the instance of the judgment debtor. Even otherwise, the judgment debtor cannot have any grievance with regard to alleged encroachment which has not been proved on record as the objections were not in accordance with report of the Local Commissioner. The grievance of the judgment debtor is that under the garb of auction proceedings, the property measuring 8'x16' was sold but the auction purchaser has taken possession of property measuring 8'x23'. In my view, judgment debtor has no grievance, and the grievance, if any, is of the Municipal Corporation to seek vindication and rightly so, the application seeking condonation of delay of review has been dismissed as the petitioner has failed to impugn order dated 21.05.2010 in declining objections.

There is no merit in the revision petition. The same is accordingly dismissed.

(AMIT RAWAL)
JUDGE

December 09, 2015
savita