

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

-.-

CR 1227 of 2015

Date of decision: 13.05.2016

Satpal

..... Petitioner

Versus

Parbhati and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner

Mr. V S Punia, Advocate
for respondent No. 1

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

Rekha Mittal, J. (Oral)

Counsel for the petitioner has submitted that the objection petition preferred by the petitioner has been decided by the executing Court of Civil Judge (Senior Division), Jhajjar, by passing a cryptic and non-speaking order, therefore, the impugned order is liable to be set aside. It is further submitted that the matter may be remitted to the executing Court for decision of the objection petition afresh after hearing the parties, in accordance with law.

Counsel for the contesting respondent/decreed holder has

submitted that Satpal - petitioner did not contest the proceedings of the suit but later filed the objection petition with a sole intent to delay execution of the decree that has attained finality. It is further submitted that the petitioner has already filed an application under Order IX Rule 13 of the Code of Civil Procedure for setting aside the ex-parte judgment and decree that is pending adjudication before the Court.

I have heard counsel for the parties and perused the record particularly the order impugned.

Before advertng to the submissions made by counsel for the parties, a reference to the impugned order is pertinent and the same reads as follows:-

“Heard. Decree of specific performance was passed on 30.10.2013. JD's have failed to show any valid objection for not executing the decree under execution. Hence, the objections filed by the JD's stands rejected. Now proposed sale deed be submitted on or before 21.02.2015.”

The executing Court has disposed of the objections by passing one line order holding that '*the JD's have failed to show any valid objection for not executing the decree under execution*'. The order passed by the executing Court appears to have been passed without any process of reasoning much less assigning any reason for holding that the objections preferred by the JD are not valid. Keeping in view the nature of the order and the manner in which the objection petition has been disposed of by the executing Court, the impugned order cannot stand the test of judicial scrutiny and is liable to be set aside.

For the foregoing reasons, the petition is allowed and the

impugned order is set aside and the matter is remitted to the executing Court for disposal of the objection petition afresh, after hearing the parties, in accordance with law. The executing court shall dispose of the objection petition within a period of one month from the date of receipt of certified copy of the order.

(Rekha Mittal)
Judge

13.05.2016
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