

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

CR No.1750 of 2016

Date of decision : 22.03.2016

M/s Shiv Dei Enterprises

...Petitioner

Versus

Udmi and ors.

...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. S.K. Yadav, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-Judgment Debtor is aggrieved of the order, whereby execution application in respect of judgment and decree dated 15.01.1987 has been allowed to continue in view of provision of Order 21 Rule 15 & 16 of the Code of Civil Procedure as Decree Holder alleged to have assigned the rights in favour of Gurdeep Singh in 1987.

Mr. S.K. Yadav, learned counsel for the petitioner submits that Udmi had suffered statement dated 29.10.2015 that judgment and decree has been satisfied. The same is reflected at page 5. In view of such situation, execution at the instance of the Gurdeep Singh is not sustainable, thus, objection was raised vis-a-vis maintainability but the trial court has not

adjudicated with regard to the locus/cause of action in favour of Gurdeep Singh but allowed the application, thus, petitioner has been denied the right to contest the same.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that there is no illegality and perversity in the order for the continuation of the execution application or the decree. But the petitioner-judgment debtor cannot be prevented in putting across its defence vis-a-vis the subsistence of any cause qua execution of the judgment and decree of the lower appellate Court or Executing Court. On receipt of such objection, Objecting Court shall decide the same in accordance with law.

With the aforementioned observations, revision petition stands disposed of.

At this stage, Mr. Yadav, submits that warrant of possession had already been issued and, therefore, no time has left for filing the objections, in case, objections are filed within 10 days from today, Executing Court shall decide the same in accordance with law within period of 45 days, till then warrant of possession shall be kept in abeyance.

22.03.2016

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**(AMIT RAWAL)
JUDGE**