

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

CR No. 2102 of 2016

Date of decision: 21.03.2016

Sohan Singh

..... Petitioner

Versus

Sukhpreet Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.M.S.Virdi, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 22.07.2015 passed by the learned Addl. Civil Judge (Sr. Division), Kapurthala, vide which the objections filed by the petitioner has been dismissed.

2. Learned counsel for the petitioner contended that in the present revision petition, he only presses the plea raised in the objection petition with respect to the wrong conclusions. He contended that the DH has wrongly calculated the amount due. In fact, the said calculation is factually incorrect even as per the terms and conditions of the decree. Thus, he contended that the objection petition has been wrongly dismissed by the learned Executing Court.

3. I have duly considered the aforesaid contentions.

4. The impugned order shows that the petitioner-JD did not appear before the learned Executing Court on

22.07.2015, the date when the impugned order was passed.

The impugned order shows that the petitioner has taken the plea in the objection petition that exaggerated amount has been calculated by the DH, which is not recoverable as per law. But, the petitioner-JD has not produced its calculation as to how the interest and costs have been wrongly calculated. There is no dispute with the observations mentioned by the learned Executing Court that it cannot go beyond the decree and the decree is to be executed as it stands and as per the terms and conditions therein. When, no calculations have been presented by the petitioner before the learned Executing Court, then the plea raised by learned counsel for the petitioner that the DH has claimed exaggerated amount by presenting the wrong calculations is without any merit. Thus, no fault can be found with the impugned order.

5. Consequently, the present revision petition having, no merits, is hereby dismissed. However, before parting with this order, it is observed that it is also the duty of the learned Executing Court to determine the correct amount due as per the terms and conditions of the decree to realize the decretal amount.

21.03.2016

S.khan

**(DARSHAN SINGH)
JUDGE**