

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

C.R. No.2764 of 2016

Date of Decision.22.04.2016

Simranjeet Kaur

.....Petitioner

Vs.

Maj Gen. H.S. Sobti and another

.....Respondents

Present: Mr. Sarvpreet S. Gurna, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The revision petition is not competent, for an objection taken by the third party at the stage of execution under Order 21 Rule 99 CPC must be taken as having the effect of decree under Order 21 Rule 103 CPC. It is, therefore, competent to prefer an appeal against such an order and not come by means of revision petition.

2. The contention taken by the petitioner is that no final adjudication had been made and it must be taken as not in the nature of decree. The argument is untenable, for if there was no adjudication it must be taken a ground for preferring an appeal and not be taken as not a decree at all. Even if a decree is not prepared, it is irrelevant, for as per the provisions of Order 41 Rule 1 CPC, there is no need for a decree to prefer an appeal under Section 96 CPC.

3. The revision petition is incompetent. It is dismissed but the petitioner will be at liberty to prefer an appeal before the Court of competent jurisdiction.

**(K. KANNAN)
JUDGE**

April 22, 2016
Pankaj*