

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2783 of 2016 (O&M)

Date of decision:19.09.2016

Rishalo Devi

... Petitioner

Vs.

Sumitra and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Arvind Singh, Advocate
for the petitioner.

Mr. S.S.Dinarpur, Advocate
for the respondents.

AMIT RAWAL J. (Oral)

The petitioner (since deceased) is aggrieved of the impugned order, whereby, the objections filed against the judgment and decree dated 02.10.1992, have been dismissed without framing issues.

Notice of motion was issued on the aforesaid limited point only.

Mr. S.S.Dinarpur, Advocate has put in appearance on behalf of the respondents and submits that petitioner had died and her LRs were already remained unsuccessful in the earlier round of litigation, i.e., CR No.553 of 2016 decided on 15.03.2016 by this Court, therefore, no cause of action survives in the present revision petition. Even LRs would be same person, therefore, they cannot set up an independent right being LRs, in view of the aforementioned fact.

I am of the view that there is force in the submission of Mr. Dinarpur, for, the party cannot be allowed to circumvent the procedure of the Court in execution of the judgment and decree by filing perpetual objections. This Court had already dismissed the aforesaid revision petition filed at the behest of the sons of the petitioner. It would be farcical exercise in bringing on record the LR's of petitioner, who have already remained unsuccessful.

No ground is made out for interference in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 19, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No