

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

Civil Revision No.3206 of 2015
Date of Decision: July 12, 2016

Smt.Bhateri Devi

...Petitioner

Versus

Parshant Verma

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Akshay Kumar Goel, Advocate,
for the petitioner.

Mr.Mukesh Kumar Verma, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

Petitioner-judgment debtor is aggrieved of the impugned
order dated 7.3.2015 which reads as under:-

“Present: Sh.Anil Sharma, counsel for the DH.

Sh.RP Jain, counsel for the JD.

*Today the case was fixed for consideration on the
execution petition. The learned counsel for the decree
holder requested that local commissioner be appointed in*

this case for execution and registration of sale deed. On the other hand, the learned counsel for the JD stated that appeal against the judgment dated 11.6.2011 is pending before the First Appellate Court and in this situation, execution and registration of sale deed is not justified. He also requested that first of all, issues be framed on the objection moved by the JD and objection be decided on merit. Heard. This court is of the considerate opinion that there is no requirement for framing issues in this execution petition on the objection moved by the JD. Therefore, the prayer for framing of issues and evidence on those issues are hereby declined.

Proposed sale deed has already been filed by the decree holder. Sh.Dushyant Bhardwaj, Ahlmad of this court is hereby appointed as Local Commissioner for execution and registration of sale deed. His fee is assessed at Rs.3000/- to be born by the decree holder. Local Commissioner is directed to execute and register the proposed sale deed in favour of the decree holder and present his report on 16.5.2015.”

On perusal of the aforementioned order, it reveals that no

doubt the Court below had declined to frame the issue, but had not given any decision on the contents of the objection petition and straightway ordered appointing Local Commissioner for executing the sale deed on the basis of submission of the aforementioned sale deed.

Mr.Akshay Kumar Goel, learned counsel for the petitioner-judgment debtor submits that at least the Court could have given certain reasons for declining the objections, but not in the manner and mode adopted.

Mr.Mukesh Kumar Verma, learned counsel for the respondent-decree holder submits that the objections are nothing but the repetition of the defence taken in the written statement and rightly so, the Court did not frame the issue, in essence there is no force in the objections and, thus, an attempt is to delay/stall the execution proceedings.

I have heard the learned counsel for the parties and appraised the paper book.

The conceded position on record is that the objection petition had been filed. The Executing Court ought to have given certain reasons either for accepting or rejecting the objections and could not straightway ordered for appointment of the Local Commissioner.

Accordingly, the Executing Court is directed to decide the objections

without framing any issues, i.e., in summary manner not insisting upon filing of reply and the said exercise be done within a period of one month and thereafter proceed further in accordance with law.

While setting-aside the impugned order, the revision petition stands allowed.

July 12, 2016
ramesh

(AMIT RAWAL)
JUDGE