

Civil Revision No.400 of 2016

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

Civil Revision No.400 of 2016
Date of decision: 18.02.2016

Smt. Shankuntla Shukla and another

....Petitioners

Versus

Smt. Murti Mittal

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the 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. Varun Baanth, Advocate, for the petitioners.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant revision petition under Article 227 of the Constitution of India has been filed against the order dated 05.01.2016 passed by learned Civil Judge (Senior Division), Ambala, vide which application of the petitioner seeking dismissal of the execution petition having been rendered infructuous in view of the statement of learned counsel for the respondent-decree-holder dated 22.01.2014, has been dismissed.

Brief facts of the case are that respondent obtained decree dated 02.12.1999 of mandatory injunction for removing the construction in the common street shown in the site plan attached to the suit. Thereafter, respondent filed execution petition before the Executing Court.

Learned counsel for the petitioners contended that the decree

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had already been satisfied, therefore, execution petition had been rendered infructuous and learned counsel for the respondent had also in contempt petition accepted the factum of satisfaction of the decree, however, learned Civil Judge came to the conclusion that part of the decree still remained unsatisfied and wrongly dismissed the objections filed by the petitioners.

I have considered the contentions raised by learned counsel for the petitioners.

It is settled principle of law that once the objections are filed, same are heard and decided in accordance with law. During the pendency of the execution petition, petitioners filed objections to the execution petition, which were dismissed by the Executing Court on 12.10.2009. Against the order dated 12.10.2009, revision petition filed by the petitioners was also dismissed by this Court on 16.03.2011. Petitioners/judgment-debtors cannot be permitted to file objections time and again. Even otherwise, after taking notice of the contentions of the petitioners/judgment-debtors, the Executing Court has specifically observed that as per proceedings in the execution petition, the decree has not been fully satisfied.

In view of above, I do not find any illegality or perversity in the impugned order.

Dismissed.

(Paramjeet Singh Dhaliwal)
Judge

February 18, 2016
R.S.