

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

CR No.6312 of 2016(O&M)

Date of decision:23.9.2016

Om Parkash

....Petitioner

VERSUS

Singh Ram (since deceased) and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Shalender Mohan, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 08.09.2016 (Annexure P-14) passed by the Civil Judge (Junior Division), Hansi whereby application filed by the petitioner for impleading him as a party in the execution petition has been dismissed.

Counsel for the petitioner has submitted that as the decree obtained by Singh Ram against Krishan Kumar in Civil Suit No.59-C of 1998 is sought to be executed against property of the present petitioner, the petitioner is a necessary party to the execution proceedings, for its complete and effective adjudication. It is further submitted that as the judgment debtor has not come forward to contest the execution proceedings, a serious prejudice would be caused to the petitioner in case he is not allowed to be impleaded as a party.

I have heard counsel for the petitioner, perused the paper-book particularly the various annexures appended with the petition.

It is an undisputed position of the case that the petitioner filed objection petition against execution of the decree passed in favour of Sh. Singh Ram, dismissed by the executing Court vide order dated 24.07.2015

(Annexure P-9). The said order was subject to challenge before this Court in CR No.5921 of 2015 which was later withdrawn without prejudice to right of the petitioner to avail appropriate remedy in accordance with law.

Counsel for the petitioner has apprised the Court that after withdrawal of the aforesaid revision petition, the petitioner has preferred an appeal before the Court of District Judge and the matter is subjudice. As the petitioner has already availed appropriate remedy in accordance with law and the matter is subjudice before the Court of appeal, no such plea of the petitioner can be accepted that he is either a proper much less a necessary party to be impleaded in the pending execution petition.

In this view of the matter, I do not find any error much less illegality in the impugned order warranting intervention.

Dismissed.

SEPTEMBER 23, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no