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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CR-6792-2015
Date of Decision : February 10th, 2016

M/s Shriram Transport Finance Co. Ltd.
.... Petitioner

Versus

Ashwani Kumar and another
.... Respondents

2. CR-7070-2015

M/s Shriram Transport Finance Co. Ltd.
.... Petitioner

Versus

Bhume Ram and another
.... Respondents

3. CR-7071-2015

M/s Shriram Transport Finance Co. Ltd.
.... Petitioner

Versus

Meer Husain and another
.... Respondents

4. CR-7072-2015

M/s Shriram Transport Finance Co. Ltd.
.... Petitioner

Versus

Ramesh Chand and another
.... Respondents

...

5. CR-7073-2015

M/s Shriram Transport Finance Co. Ltd.

.... Petitioner

Versus

Kuldeep Kumar and another

.... Respondents

6. CR-7074-2015

M/s Shriram Transport Finance Co. Ltd.

.... Petitioner

Versus

Heera Lal and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

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

Present Mr. Gaurav Sharma, Advocate,
for the petitioner.

None for the respondents.

SHEKHER DHAWAN, J.

Challenge in these six above mentioned revision petitions under Article 227 of the Constitution of India is to the orders dated 22.5.2015, 26.5.2015 and 30.5.2015 passed by Additional District Judge, Chandigarh whereby, Execution Applications were returned to the Decree Holder for presenting the same before the competent Court of jurisdiction. Therefore, they are being taken up together and are being disposed of together as common questions of facts and law are involved in these petitions. For

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facility of reference, facts from **Civil Revision No. 7070 of 2015** are being taken; that the petitioner filed execution application of the award dated 1.3.2013 before the District Judge, Kullu, Himachal Pradesh as the property of JDs is situated at Kullu. The said execution petition was dismissed vide order dated 21.11.2014 [Annexure P/2] being not maintainable in view of the judgment of Himachal Pradesh High Court in **Jaswinder Kaur and another Vs. M/s Tata Motors Finance Limited, CMPMO No. 56 of 2013, decided on 17.9.2013** whereby Hon`ble Himachal Pradesh High Court observed that execution petition can be filed where the award has been passed and where the parties have agreed to the jurisdiction in the agreement. As arbitration proceedings were held at Chandigarh, the petitioner filed Execution Application before Additional District Judge, Chandigarh and the Court below instead transferring the same, returned the Execution Application to the Decree-Holder for presenting the same in the court of competent jurisdiction as JDs are residing in the Himachal Pradesh.

2. Learned counsel for the petitioner submitted that the Court below should have transferred the Execution Petitions to the Courts of competent jurisdiction within the local limits of Himachal Pradesh, where the JDs are residing, instead of returning the same to the petitioner and hence, the orders under challenge are liable to be set-aside.

3. Having considered the submissions made by learned counsel for the petitioner, this Court is of the considered view that the impugned orders deserve to be set-aside. As per provisions of Section 39 of the Code of Civil Procedure, the decree was to be sent to District Judge concerned for execution as the JDs are residents of local limits of the jurisdiction of

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Himachal Pradesh. Resultantly, the present petitions stand allowed and the impugned orders dated 22.5.2015, 26.5.2015 and 30.5.2015 passed by Additional District Judge, Chandigarh are set-aside.

(SHEKHER DHAWAN)
JUDGE

February 10th, 2016
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