

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

C.R. No.7208 of 2015

Date of Decision:11.02.2016

Ashok Kumar

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present:- Mr. Vishal Aggarwal, Advocate for the petitioner.

Mr. R.S. Pathania, Deputy Advocate General, Punjab.

K. KANNAN, J.(Oral)

When an earlier execution petition was dismissed for recovery of arrears, the justification was that there was an appeal pending. The appeal has now been dismissed and when a fresh execution petition is filed, the dismissal of the earlier one cannot be used against the plaintiff- decree holder.

The impugned order is set aside and the revision petition is allowed. Further process in execution shall follow on the details given by the plaintiff about the arrears as claimed by him and in respect of which a decree has been granted. The revision petition is allowed in the above terms.

February 11, 2016
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(K.KANNAN)
JUDGE