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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.7217 of 2016 (O&M)

Date of Decision: 26.10.2016

JASMER SINGH

.....Petitioner

Vs

THAKUR DWARA SINGH GHANAUR AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tarunveer Vashist, Advocate
for the petitioner.

RAJ MOHAN SINGH, J (Oral)

[1]. Petitioner is aggrieved of the order dated 23.08.2016 passed by Civil Judge (Jr. Divn.), Rajpura vide which his objections of judgment-debtor were dismissed in the execution of judgment and decree dated 04.11.2008 filed the respondents.

[2]. Learned counsel for the petitioner contended that Kam Dass had obtained a decree dated 04.11.2008 by fraudulent means. FIR No.50 dated 09.06.2015 under Section 302/201 IPC has already been registered against Kam Dass. Petitioner has also filed an independent suit under Section 92 CPC for declaration to the effect that Kam Dass was not lawfully appointed *chela* of Sardha Ram and was not *Mohtmim* of

Thakardwara Ghanour. The judgment and decree dated 04.11.2008 was claimed to be illegal and fraudulent.

[3]. I am afraid no such indulgence can be granted to the petitioner on the basis of the aforesaid two submissions. Lodging of an FIR cannot be taken to be a misconduct at this stage, warranting to declare the decree having been vitiated on account of Section 25 of Hindu Succession Act. The alleged complicity of Kam Dass has not been established by the criminal Court as yet, though the charges have been framed, but at the stage of framing of charges, no meticulous examination of material is to be seen. Charges can be framed even on strong suspicions.

[4]. Similarly, the suit filed under Section 92 CPC has its own configuration. Petitioner is still at liberty to obtain any favourable interim order from the Court in accordance with law. The executing Court cannot go beyond the decree passed. Even otherwise, the previous objections filed by the petitioner/judgment-debtor have already been dismissed by the executing Court. The present objections were filed after dismissal of the earlier objections. In my considered opinion, all these could be taken care of by the executing Court

[5]. In view of aforesaid, I do not see any error of

jurisdiction in the order passed by the executing Court, nor the same is found to be suffered with any legal perversity. The revision petition is accordingly dismissed.

October 26, 2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes / No

Whether reportable Yes / No