

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

CR No.7359 of 2015 (O&M)

Date of decision : 06.05.2016

Sansar and others

...Petitioners

Versus

Satbir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Amit Kumar Goyal, Advocate for the petitioners.

Mr. Navneet Singh, Advocate for the respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioner-Judgment Debtor is aggrieved of the impugned order, whereby objection seeking dismissal of the execution application having been filed on 22.07.2013 being barred by law of limitation, has been dismissed.

Mr. Amit Kumar Goyal, learned counsel appearing on behalf of petitioners submits that judgment and decree of possession was passed on 03.03.2000 and application under Section 152 of Code of Civil Procedure seeking modification of the same was moved on 31.10.2002. Same was dismissed on 04.05.2006. Against the aforementioned order, revision petition bearing No.3847 of 2011 was filed. The same has been dismissed on 23.04.2013. The status-quo order does not amount to stay of the execution

proceedings, therefore, period of limitation never arrested and thus filing of the execution application in the year 2013 i.e. on 22.07.2013 is ex facie barred by law of limitation, in essence, is not in consonance with the provision of Article 136 of the Limitation Act and thus, urges this Court for setting aside of the order. In support of his contention, he has relied upon judgment rendered by the Hon'ble Supreme Court in *Manohar Versus Jaipalsing, 2008(1) RCR (Civil) 220* to contend that there has to be a specific order of stay of the execution proceedings. In the absence of the same, period of status quo could not be excluded.

Mr. Navneet Singh, learned counsel appearing on behalf of respondent No.1 submits that status-quo order reveals that the respondent-plaintiff could not have filed execution or sought possession. Once revision petition was dismissed on 23.04.2013, execution petition was filed on 22.7.2013 i.e. before 12 years, rightly so, objection has been dismissed.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no force and merit in the submission of Mr. Goyal, for, interim order passed by this Court on 03.06.2011 in CR No.3847 of 2011, which reads thus:-

“Present:- Mr. Navneet Singh, Advocate

Notice of motion, returnable from 29.08.2011.

Status quo be maintained, meanwhile

Sd/- (Arvind Kumar)

3.6.2011

Judge”

shows that there is order of status quo be maintained, in essence, respondent-plaintiff was precluded from seeking possession of the property by filing the execution application. Revision petition admittedly was dismissed vide order dated 23.04.2013 and execution application as noticed above has

been filed three months thereafter, therefore, execution application ex facie is not barred by law of limitation. Objection in my view has rightly been dismissed. Ratio decidendi culled out in Hon'ble Supreme in Mahohar's case (Supra) reveals that it would not apply as the facts and circumstances explained therein dealt with the situation, where there was stay of the execution proceedings. In the present case, status quo order debarred the plaintiff from seeking the execution. In case period from the date status quo order passed and when the revision petition was dismissed if excluded, execution application is within time period.

In view of the aforementioned reasons, no ground for interference is made out.

Dismissed.

06.05.2016

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**(AMIT RAWAL)
JUDGE**