

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.7421 of 2015 (O&M)

Date of Decision.04.04.2016

Barkat Singh

.....Petitioner

Vs.

Baldev Singh and another

.....Respondents

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

C.M. No.6599-CII of 2016

For the reasons stated in the application, order passed by this Court on 03.03.2016 is recalled and the revision petition is restored to its original number.

Application is allowed.

C.R. No.7421 of 2015

1. In suit for declaration that a decree passed on 25.5.2004 was null and void and vitiated, he had sought for the relief of status quo. The trial Court did not grant the relief and the Appellate Court affirmed the same and the revision petitioner is the defendant who is aggrieved by the interim order that was refused.
2. The respondent has admittedly obtained decree on 25.05.2004 on the basis of agreement said to have been executed by the present petitioner in favour of the respondent on 21.09.2001. When the

decree obtained in the year 2004 was put in execution, the objection had been taken that the ex parte decree was bad and it could not be executed. The Executing Court rejected the objection given by the petitioner. In revision brought before this Court, the petitioner has had a revision petition disposed of as withdrawn with liberty to file the fresh suit. That is the fresh suit which is said to have been filed. I asked the counsel to explain as to how he can maintain a fresh suit without resorting to an action for setting aside the ex parte decree. The counsel says that such liberty has been granted by the Court. He may have liberty of having such a suit filed, it cannot give any prima facie case to contend that he will have the relief of status quo. The orders passed by both the courts below are correct and I do not find any reason to interfere with the same.

3. The revision petition is dismissed.

(K. KANNAN)
JUDGE

April 04, 2016
Pankaj*