

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

Civil Revision No.7985 of 2016 (O&M)
Date of Decision: November 28, 2016

Gautam Jain

...Petitioner

Versus

Rajesh Jain

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Ravindra Jain, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-judgment debtor is aggrieved of the impugned order, whereby the objections to the execution petition seeking execution of the award dated 13.10.2002, have been dismissed.

Mr.Ravindra Jain, learned counsel for the petitioner-judgment debtor submits that the award was for a tune of ₹4,36,450/- including element of interest. However, the liability was discharged as both the parties concededly are cousins. The execution petition was also barred by law of limitation as it has been registered on 13.10.2014, i.e., beyond 12 years. All these factors have not been taken into consideration and, therefore, there is gross illegality and perversity. Even the stamp papers have been purchased on 24.9.2014.

I have heard the learned counsel for the petitioner-judgment debtor.

Purchasing of the stamp papers on 24.9.2014 is before the expiry of the limitation period. Even the execution is of 9.10./10.10.2014.

The same was registered on 13.10.2014, whereas the filing is one day before and, therefore, execution application cannot be said to be barred by law of limitation. No proof of payment of awarded amount has been placed on record. The assertion in the objection was that the amount was paid without receipt. Such an explanation is not backed by any cogent reasons, much less lacking the justification in discharging the liability. If it was so, there was no occasion for the other party to seek the execution just before the expiry of the limitation period.

In view of what has been observed above, I do not intend to differ with the findings given in the impugned order.

Revision petition stands dismissed.

November 28, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No