

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CR No.1152 of 2017
Date of decision: 02.11.2017

Mewa Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Sharad Yadav, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

Petitioner is a decree holder. Suit filed by the petitioner was decreed on 16.08.1988. Decree was later on set aside and once again pursuant to the remand, a fresh decree was passed on 28.07.1989. Appeal against the aforesaid judgment was dismissed with small modification. Learned counsel for the petitioner has challenged the order dated 01.02.2017 which is re-produced as under:-

“Partly heard on the objections. During arguments it was revealed that one of the dispute between the parties relates to the period during which the DH remain employed after termination of the service by the Haryana Tanneries Ltd. till date of his superannuation. In given scenario, DH is directed to furnish an affidavit regarding his source of income during the aforesaid period. Now to come upon 09.02.2017 for same properties.”

By way of impugned order, the Executing Court had only directed the decree-holder to file an affidavit for clarifying on certain

aspect.

Learned counsel for the petitioner has vehemently argued that although this issue has already been settled and decided while deciding the appeal on 14.02.1990, therefore, the issue cannot be re-opened. However, the Court has only directed the decree-holder to file an affidavit.

However, taking into consideration the fact that the execution petition is pending for quite some time, the learned Executing Court is requested to expeditiously decide the execution petition preferably within a period of two months from the date of receipt of certified copy of this order.

With these observations, revision petition is disposed of.

02.11.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No