

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.1411 of 2017
Date of decision: 27.02.2017

Balkar Singh

... Petitioner

Vs.

Kuldeep Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Sidhu, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition is directed against the order dated 23.01.2017 passed by the learned executing Court, dismissing objections of the petitioner, he being a third party.

Heard learned counsel for the petitioner.

It has gone undisputed before this Court that litigation was going on between the decree-holder Kuldeep Singh and Partap Singh-judgment debtor, who was none else but brother of the petitioner. Despite knowing fully well about pendency of the litigation between his brother and decree-holder Kuldeep Singh, petitioner purchased the property in question from his brother Partap Singh. Suit was decreed and the decree-holder filed the execution thereof. It is during the execution proceedings that the petitioner filed his objections being a third party that the decree was not executable against him.

In view of the abovesaid facts and circumstances of the case, it has been clearly made out that the petitioner was not a bonafide litigant. He, in collusion with his brother Partap Singh-judgment debtor, wanted to defeat the genuine claim of the decree-holder and that too proceeding on technicalities alone. It is neither pleaded nor argued case on behalf of the petitioner that he was not aware about the pendency of litigation between his brother Partap Singh-judgment debtor and decree-holder Kuldeep Singh. Having said that, this Court feels no hesitation to conclude that learned executing Court committed no error of law, while passing the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned executing Court, so as to warrant interference at the hands of this Court, while exercising its revisional jurisdiction. Under these circumstances, it can be safely concluded that petitioner has no case either on facts or in law as well as in equity. Decree-holder is entitled to get the decree executed and the petitioner had no right to defeat the decree on the basis of technicalities alone. As noticed hereinabove, he was well aware about the litigation right from day one and judgment-debtor is nobody else but brother of the present petitioner, thus, the impugned order deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered

view that present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

27.02.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No