

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

133

CR-1619 of 2017(O&M)

Date of Decision:24.07.2017

Amit Sareen

.....Petitioner

Versus

Santosh Kumari and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Mr.S.S.Khaira, Advocate,
for the petitioner.**

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the appellate order dated 17.09.2015, whereby his appeal was dismissed by the learned Additional District Judge, upholding the order dated 18.02.2014 passed by the learned executing court, dismissing the objections of the judgment-debtor, petitioner has approached this Court by way of present revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned orders, Annexures P-3 and P-4.

Heard learned counsel for the petitioner.

It has gone undisputed before this Court that the petitioner purchased the suit property on 30.05.2002 during pendency of the suit filed by the decree-holder. Suit was filed on 04.03.1997. The preliminary decree was passed on 18.07.2006 and thereafter, the final decree also came to be passed on 30.11.2010. It is also not in dispute that the petitioner did not

challenge either the preliminary decree or final decree which have attained finality against him. In such a situation, petitioner would step into the shoes of his vendor and shall be bound by the preliminary as well as final decree. It is also the settled principle of law that the learned executing court cannot go beyond the decree. That is what has been held by both the learned courts below, while passing the impugned orders (Annexures P-3 and P-4) and the same deserve to be upheld.

No prejudice of any kind whatsoever has been pointed out by the learned counsel for the petitioner that might have been caused to the petitioner by passing the impugned orders (Annexures P-3 and P-4). In fact, a combined reading of both the impugned orders would show that both the learned courts below were well within its jurisdiction to pass the impugned orders and the same deserve to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned orders passed by the learned courts below, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned orders have been found based on sound reasons and the same deserve to be upheld, for this reason as well.

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

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

July 24, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No