

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.2331 of 2015
Date of decision:7.2.2017**

Food Corporation of India through its Area Manager

...Petitioner

Versus

Satpal

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Atul Gaur, Advocate for
Mr.Sumeet Goel, Advocate for the petitioner.
Mr.B.K.Chaudhary, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of decree-holder, is directed against the order dated 30.9.2014 (Annexure P-3) passed by the learned executing court, whereby execution application was dismissed for non-compliance of the court orders.

Notice of motion was issued.

Heard learned counsel for the parties.

It is a matter of record that during the pendency of execution application moved by the petitioner, an application under Order 21 Rule 37 read with Section 151 CPC was filed for passing of an appropriate order for retention of respondent-judgment debtor in civil revision, after permitting the decree-holder to deposit the necessary expenses in the court. This application moved by the petitioner was allowed vide order dated 17.9.2014 (Annexure P-2) passed by the learned executing court, directing the petitioner to deposit the requisite amount before the next date of hearing, i.e. 23.9.2014. However, petitioner did not comply with the above-said order dated 17.9.2014 (Anexure P-2) by depositing the requisite amount.

When the case came up for hearing before the executing court on 23.9.2014, it was reported to the court that the decree-holder did not deposit the amount, in compliance of the order dated 17.9.2014. Request was made for adjournment, which was accepted, adjourning the case to 26.9.2014. Again on 26.9.2014, petitioner did not deposit the amount. Yet another request was made for adjournment, which was granted, adjourning the case to 30.9.2014 granting another opportunity to the decree-holder to deposit the requisite amount.

When the case came up for hearing on 30.9.2014, it was found that decree-holder still did not deposit the requisite amount, in compliance of the above-said orders passed by the executing court. Thus, having been left with no other option, learned executing court rightly passed the impugned order dated 30.9.2014 (Annexure P-3), dismissing the execution application of the petitioner for non-compliance of the above-said court orders.

During the course of hearing, learned counsel for the petitioner could not point out any factual error in the impugned order nor any jurisdictional error, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. Having said that, this Court feels no hesitation to conclude that the learned executing court committed no error of law, while passing the impugned order and the same deserves to be upheld.

Once the petitioner-decree holder did not show any interest in the litigation and failed to comply with the orders passed by the courts, despite having been granted sufficient opportunities, learned executing

court was well justified in passing the impugned order, which has not been found suffering from any patent illegality or perversity and the same deserves to be upheld for this reason also.

Learned counsel for the petitioner, despite making his best efforts, could not substantiate any of his contentions. In fact, in the peculiar facts and circumstances of the case, petitioner was rightly not found entitled for any further indulgence on the part of the court. It seems that petitioner was misusing the process of court, while not complying with the court orders, in spite of the fact that it had been granted sufficient opportunities. Under the undisputed fact situation of the case, it can be safely concluded that learned executing court committed no error of law, while passing the impugned order and the same deserve to be upheld.

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

7.2.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No