

CR No. 1947 of 2017 (O&M)

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

CR No. 1947 of 2017 (O&M)

Date of decision: 18.3.2017

Provident Fund Commissioner, Haryana and another

...Petitioners

Versus

Shanti Devi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Onkar Singh Batalvi, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of defendants No.2 and 3, is directed against the impugned order dated 6.4.2015 (Annexure P-3) passed by the learned executing court, dismissing objections filed by the petitioners.

Heard learned counsel for the petitioners.

It is a matter of record and not in dispute that civil suit No. 450 of 2008, which was a suit for declaration filed by respondent No.-1 namely Smt. Shanti Devi widow of late Sh. Mool Chand Goel, was decreed by the learned trial court vide judgment and decree dated 15.4.2013. It is pertinent to note here that judgment debtors-petitioners herein and defendants No.2 and 3 before the learned civil court in the abovesaid civil suit for declaration

CR No. 1947 of 2017 (O&M)

came to be proceeded against ex parte, vide order dated 20.1.2010. Neither the abovesaid order dated 29.1.2010 was ever sought to be set aside by the petitioners, nor judgment and decree dated 15.4.2013 was ever sought to be set aside by moving an appropriate application before the learned trial court. On the other hand, decree holder filed a duly sworn affidavit before the learned executing court to the effect that neither any appeal, nor any revision was pending against the abovesaid judgment and decree dated 15.4.2013. Having said that, this Court feels no hesitation to conclude that the learned executing court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It is the settled proposition of law that once decree passed by the learned court of competent jurisdiction has attained finality, it has to be executed in its true letter and spirit. Further, learned executing court would have no jurisdiction to go behind the decree. Petitioners had been proceeding on a casual and careless approach right from day one. They never bothered to pursue the litigation in the manner it ought to have been pursued. Once the litigation had already culminated into the decree dated 15.4.2013, objections filed by the petitioners were wholly misplaced and have been rightly dismissed by the learned executing court. In fact, no other option was left with the learned executing court except to pass the impugned order and the same has been rightly passed, thus, it 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, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In such a situation, it can be safely concluded that the learned court below

CR No. 1947 of 2017 (O&M)

committed no error of law, while passing the impugned order and the same 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 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.

18.3.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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