

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

Amit Kumar
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CR No. 1955 of 2017 (O&M)
Date of decision: 21.4.2017

Ravinder Singh

...Petitioner

Versus

M/s Brar Trading Company Commission Agent Fazilka ...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Paras Bahl, Advocate for
Mr. Harpreet Singh Jakhal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition under Article 227 of the Constitution of India, is directed against the order dated 21.1.2017 (Annexure P-4) passed by the learned executing court, dismissing the objections raised by the judgment debtor-petitioner.

Heard learned counsel for the petitioner.

The only argument raised by learned counsel for the petitioner was that since Sh. Gurbaksh Singh-partner of the plaintiff-decree holder firm died during the pendency of suit for recovery and his legal legal representatives were not brought on record, such a decree is not executable against him at the instance of other partners of the firm or by the legal representatives of deceased partner-late Sh. Gurbaksh Singh.

Having given thoughtful consideration to the solitary contention raised by the learned counsel for the petitioner, this Court is of the considered opinion that the contention raised by learned counsel for the petitioner is too technical to accept and the same is wholly misplaced.

During the course of hearing, when confronted as to what prejudice has been caused or is likely to be caused to the petitioner by passing the impugned order, he had no answer and rightly so, it being a matter of record. Once the decree has attained finality between the parties, it is supposed to be executed as it is in true letter and spirit. The decree is very much executable against the petitioner, at the instance of other partners of the firm as well as legal representatives of deceased partner-Late Sh. Gurbaksh Singh. 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.

Further, learned counsel for the petitioner could not 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 fact, the impugned order has been found duly supported by sound reasons 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.

21.4.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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