

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

CR No. 2286 of 2017 (O&M)
Date of decision: 29.3.2017

Mohd. Munir

...Petitioner

Versus

The Malerkotla Cooperative House Building Society Ltd., Malerkotla

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Harshit Jain, Advocate
for the petitioner

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition filed under Article 227 of the Constitution of India, at the hands of judgment-debtor, is directed against the order dated 1.3.2017 (Annexure P-5), whereby the learned executing court dismissed the objections raised by the judgment-debtor.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that entire case of the petitioner was based on certificate dated 14.3.2014 (Annexure P-2). This court has closely examined and considered the certificate dated 14.3.2014 with the able assistance of learned counsel for the petitioner and has found that the learned executing court was well within its jurisdiction to pass the impugned order dated 1.3.2017 (Annexure P-5). It is so said, because once the petitioner himself was placing reliance on certificate dated 14.3.2014 (annexure P-2), he could not have been permitted to run away from his liability to pay the amount in terms of certificate dated 14.3.2014 itself. That is what has been rightly held by the learned executing court. In this view of the matter, no fault can be found with the impugned order and the same deserves to be upheld.

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Before passing the impugned order, learned executing court considered all the relevant aspects of the matter, including certificate dated 14.3.2014 (Annexure P-2). When asked to refer to any other contrary official record or calculation sheet, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Under these circumstances of the present case, it can be safely concluded that the learned executing court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason.

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.

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.

29.3.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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