

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

**CR No. 2370 of 2017 (O&M)
Date of decision: 3.4.2017**

Shiv Dutt

...Petitioner

Versus

Smt. Sukhbiri and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Mohd. Salim, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition under Article 227 of the Constitution of India, at the hands of judgment-debtor, is directed against the order dated 15.2.2017 (Annexure P-5), passed by the learned trial court, dismissing objections raised by him.

Heard learned counsel for the petitioner.

It has gone undisputed before this Court that late Sh. Indraj-father of the petitioner suffered sale deed dated 24.12.2008 in favour of one Smt. Sunita Devi. Plaintiff-decree holder filed a suit for recovery of an amount of ₹16,06,200/-. When present petitioner-defendant filed his written statement, he had an occasion to raise this issue but he did not do so, for the reasons best known to him. It is also not in dispute that sale deed dated 24.12.2008 still stands in the name of Smt. Sunita Devi. 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.

The learned executing court was factually correct and legally justified in observing that the executing court cannot go beyond the decree. Objections filed by the petitioner were found totally baseless and were rightly rejected. Under these undisputed facts and circumstances of the 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 also.

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. Since the impugned order has been found supported with sound reasons, it deserves 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 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.

3.4.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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