

**106 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CR No. 2535 of 2017 (O&M)
Date of Decision: 31.08.2017

HARVINDERPAL SINGH

-PETITIONER

VS

JATINDER KUMAR NARULA AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. D.S. Gurna, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

This revision petition has been filed against the order dated 09.02.2017 passed by Civil Judge (Senior Division), Patiala whereby application under Order 6 Rule 17 CPC for amendment of the objections under Section 47 CPC was dismissed.

Earlier a Civil Revision No.7367 of 2013 was filed which was decided by the High Court on 16.05.2016. The Executing Court was directed to ensure delivery of possession in respect of 152 sq. yards area to the decree holder in strict compliance and conformity with the site plan.

Learned counsel for the petitioner states that the objections filed before the Executing Court have been dismissed vide order dated 27.07.2017 and the said order is appealable in

nature. The petitioner would be at liberty to file appeal along with an application for amendment. The said application would be decided by the Executing First Appellate Court in accordance with law. The very filing of the application along with an appeal under the present order would not be construed to be an implied permission in favour of the petitioner to sustain such type of objection.

In the event of filing such an appeal along with application for amendment, the Executing First Appellate Court would be obligated to decide the same in accordance with law as well as in the light of order dated 16.05.2016 passed by the High Court in Civil Revision No.7367 of 2013.

Disposed of.

31.08.2017
jjyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No