

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

Sr. No.123

CR No.2841 of 2017

DECIDED ON: April 24, 2017

SHRI NIWAS

..PETITIONER

VERSUS

M/S RAMDIA KRISHAN MARKET

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.S. Thakur, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

CM No.8754-CII of 2017

Application is allowed as prayed for.

CR No.2841 of 2017

Through the instant civil revision petition preferred under Article 227 of the Constitution of India, petitioner has sought setting aside of order dated September 03, 2016, passed by Civil Judge (Sr. Divn.) Kaithal (Annexure P-1) in Execution Petition case No.23 of 2015, captioned as 'M/s Ramdia Krishna Kumar vs. Shri Niwas', whereby the objection petition preferred by the petitioner has been dismissed and the warrants of attachment on filing of the list of property of JD has already been issued.

2. During the course of arguments, it has been emerged that an

objection petition was preferred by the petitioner before the Executing Court just on the ground that he has filed Regular Second Appeal No.4906 of 2015 and the execution proceedings be stayed during the pendency thereof. Concededly, the operation of the judgment and decree dated April 20, 2013 under execution has not been stayed by the court which is seisin of RSA No.4906 of 2015. If at all, the petitioner could have approached the court seeking the stay for operation of the judgment and decree referred to above by moving an appropriate application before the court, which is seized of RSA referred to above and he has no locus standi to move such an objection petition before the executing court. Such, an objection petition otherwise not legally maintainable. As such, this court does not find any infirmity or illegality in the impugned order dated September 03, 2016.

3. Consequently, the impugned order dated September 03, 2016 is upheld. Instant petition is dismissed.

April 24, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No