

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

CR-342-2017 (O & M)

Date of decision: 19.01.2017

Mona Singh through her SPA Smt. Jaspreet Kaur

.... Petitioner

V/s

Amarjit Singh and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Narang, Advocate, for the petitioner.

Rajan Gupta, J. (Oral)

Present revision petition is directed against the order dated 19.12.2016, Annexure P-1, passed by the executing court at Chandigarh whereby the stay application moved by the petitioner was disposed of in view of statement suffered by her counsel. It has been urged before the court that statement was made without instructions of the petitioner as she lives abroad. Thus, impugned order needs to be set aside.

Admittedly, suit was decreed against the petitioner way-back on 31st December, 2010. Thereafter, execution proceedings were filed wherein petitioner moved certain objections. Objections were rejected by the executing court on 10th August, 2016. Petitioner preferred appeal before the Additional District Judge, Chandigarh, against dismissal of objections. A perusal of the order shows that during pendency of same, both counsel for petitioner as well as respondent made a statement for disposal of the stay application subject to the condition that the respondent would not alienate

right to avail appropriate remedy, if possession is handed over to the respondent. This court did not find any substance in the plea of the petitioner that statement was made before appellate court without any instructions from her.

Admittedly, no action has been taken against the counsel who is stated to have made a statement before the court below without any instructions from the petitioner. This court, thus, does not find any ground to interfere in its revisional jurisdiction under Article 227 of the Constitution of India.

At this stage, Mr. Narang, learned counsel representing the petitioner, submits that he may be allowed to withdraw this petition with liberty to the petitioner to avail alternative remedy, if any, available to her.

Dismissed as withdrawn with liberty to avail alternative remedy, if available/maintainable.

January 19, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No