

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3860 of 2015 (O&M)
Date of decision: 21.02.2017

Ram Kumar (deceased) through LRs

... Petitioner

Vs.

Kanshi Ram

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

Mr. A.S. Sodhi, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition is directed against the order dated 21.03.2015 (Annexure P-6) passed by the learned executing Court, whereby the request made on behalf of the petitioner/judgment-debtor for dismissal of the execution application, was declined.

Notice of motion was issued.

Heard learned counsel for the parties.

The factum of decree in favour of the decree-holder is not in dispute. Combined reading of the impugned order as well as the order dated 29.06.2015 passed by this Court would make it crystal clear that the request made by the judgment-debtor before the learned executing Court, seeking

dismissal of the execution application having been duly satisfied, was factually wrong and it was rightly declined by the learned executing Court, while passing the impugned order. It is so said because the stand taken by the judgment-debtor before the learned executing Court and this Court has been found self-contradictory. In this view of the matter, it can be safely concluded that learned executing Court committed no error of law, while passing the impugned order and the same deserves to be upheld.

It is the settled proposition of law that the learned executing Court cannot go beyond the decree. Decree-holder is entitled to get the decree duly satisfied, while pursuing his execution application. It is equally true that the judgment-debtor has to discharge his financial liability in accordance with the decree passed against him, which has not been discharged by the petitioner so far. Under these circumstances, no fault can be found with the impugned order passed by the learned executing Court and the same deserves to be upheld, for this reason also.

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 since the learned executing Court was well within its jurisdiction to pass the impugned order, the same deserves to be upheld. The revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

It has gone undisputed between the parties that the petitioner has deposited an amount of Rs.74,469/- with the Registry of this Court, in compliance of the order dated 29.06.2015 passed by this Court. The said

amount is ordered to be released in favour of the decree-holder/respondent against proper receipt and after due identification.

Resultantly, with the abovesaid observations made and directions issued, present revision petition stands dismissed, however, with no order as to costs.

21.02.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No