

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4813 of 2017 (O&M)

Date of decision: 26.07.2017

Hema Singh and another

... Petitioners

Vs.

Jarnail Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Mohit Garg, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Instant civil revision petition, under Article 227 of the Constitution of India at the hands of judgment-debtors, is directed against the order dated 28.10.2016 (Annexure P-1), whereby the execution petition filed by the decree-holder was allowed by the learned executing Court.

Heard learned counsel for the petitioners.

It is a matter of record that suit of the plaintiff/decreed-holder, respondent No.1 herein, came to be decreed by the learned Court of competent jurisdiction as far back as on 01.12.1998. It was an ex-parte decree. Judgment-debtors/petitioners filed an application under Order 9 Rule 13 read with Section 151 of the Code of Civil Procedure ('CPC' for short) for setting aside the ex-parte decree dated 01.12.1998 in the year 2011. Said application under Order 9 Rule 13 CPC came to be dismissed in default vide order dated 22.09.2011 passed by the

learned trial Court. Petitioners did nothing thereafter and kept on sleeping over their rights, if any. They woke up from the slumber after more than a period of five years and stated to have filed a fresh application under Order 9 Rule 13 CPC vide Annexure P-2 dated 01.12.2016, which is stated to be pending. During the interregnum, petitioners entered the suit land forcibly and harvested the crops sown by the decree-holder/plaintiff. It would show that the petitioners had no respect for the law. They had been trying to take undue advantage of their dominating position. Plaintiff/decreed-holder, being a poor citizen, had been earning his livelihood from cultivating the suit land, which was just measuring 03 kanals, 13 marlas. Under these circumstances, this Court is of the considered opinion that the learned executing Court committed no error of law, while passing the impugned order and the same deserves to be upheld.

As noticed hereinabove, petitioners had been trying to misuse the process of law at every relevant stage of the litigation. A litigant, who has no respect for the law, is also not entitled for any relief at the hands of a Court of law. The learned executing Court has discussed each and every relevant aspect of the matter, before passing a self-contained and reasoned order (Annexure P-1), which has been found based on true facts of the case as well as the relevant provisions of law and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order passed by the learned executing Court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order passed by the learned executing Court has been found based on sound reasons, because of which the impugned

order deserves to be upheld, for this reason as well.

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 no illegality has been found in the impugned order passed by the learned executing Court, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

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

[RAMESHWAR SINGH MALIK]
JUDGE

26.07.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No