

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4826-2017

Date of Decision:- 26.07.2017

Virsa Singh

.....Petitioner

Versus

Kulwant Kaur and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Tribhawan Singla, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition has been filed under Article 227 of the Constitution for setting aside the impugned order dated 18.04.2017, passed by learned Additional District Judge, Barnala whereby an appeal filed by the respondent against the order dated 30.08.2016, passed by learned Civil Judge, Senior Division, Barana, has been allowed.

As is evident from the record that learned Additional District Judge, Barnala, after taking into consideration the facts and all the contentions pertaining to appreciation of evidence, has passed the impugned order dated 18.04.2017, which in substance is as under: -

“After hearing the parties, learned trial Court dismissed this objection petition of Kulwant Kaur on the ground that similar objections filed by the JD Bant Singh were already dismissed. Hence appeal is filed by appellant Kulwant Kaur. The other appeal filed by the respondents/DHs namely Ranjit Singh and other is also pending in this Court in which the operation of the judgment and decree dated 7.12.2015 in favour of Kulwant Kaur is already stayed.

There is no dispute between the parties that suit property in the same in

two suits represented by khasra No.2519(0-3) situated in the area of village Wazidke Khurd. It is also not disputed that property was mortgaged with Virsa Singh, now deceased, who was predecessor-in-interest of respondents. Said Virsa Singh filed suit on the ground that Bant Singh took forcible possession of the suit property and he was mortgagee of the suit property and his suit as civil suit No.535 for possession was decreed on 6.11.2009. The plea of Kulwant Kaur is that she purchased the suit property from Surinder Kaur daughter of Mehar Singh and her suit for redemption and possession is already decreed in her favour. So considering these facts and circumstances of this case and that there two decrees relating to same property. One is in favour of appellant Kulwant Kaur and against the respondents and other is in favour of respondents and against Bant Singh, who is husband of Kulwant Kaur and in order to avoid contradictory judgments, execution of decree dated 6.11.2009 in civil suit no.535 of 29.11.2001 shall remain in abeyance till the disposal of present appeal and both the civil appeals will be decided at the same time.”

After hearing the learned counsel for the petitioners, going through the findings recorded in the impugned order, this Court is of the considered view that learned Additional Sessions Judge, Barnala, has rightly passed the said order after appreciating the evidence in the correct prospective. Such order, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court, unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioners, therefore, the instant revision petition is hereby dismissed.

July 26, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No