

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

CR No.5869 of 2017 (O&M)

Date of decision : 31.08.2017

Manohar Singh Azad (since deceased) through his legal heirs

...Petitioners

Versus

Jitender Kumar Aggarwal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Jain, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The petitioners had filed an appeal before the First Appellate Court which was barred by more than 15 years i.e. 5600 days. The petitioners are third party objectors. The objection petition filed by the petitioners was dismissed vide order dated 21.01.2000. The petitioners have filed an appeal against the aforesaid order on 28.05.2015 which was also dismissed being barred by time.

Counsel for the petitioners has laid stress on the fact that against the order dated 21.01.2000, the petitioners had filed a Civil Revision bearing No.710 of 2000 in this Court and the aforesaid revision petition was entertained. It is not in dispute that the aforesaid revision petition was dismissed as not maintainable on 15.10.2010.

The petitioners have pleaded that there was an incident of fire in the High Court and record of the revision petition was burnt in January,

2011, therefore, the petitioners did not come to know about the result of the revision petition.

It is not in dispute that the Registrar of this Court wrote a letter dated 30.09.2013 to the petitioners and requested them to supply the copy of the final order for reconstruction of the file, duly received by the petitioners. The petitioners came to know about the final decision in the revision petition on 30.09.2013, whereas the first appeal was filed in May, 2015.

In this case, there is a decree for possession by way of specific performance of the agreement to sell in favour of the Decree Holder. Decree Holder has been trying to execute the aforesaid decree for the last 20 years.

For the reasons recorded above, I do not find any good ground to interfere with the order passed by the learned Additional District Judge, Gurugram.

Revision petition is dismissed.

All pending miscellaneous applications are disposed of, in view of the abovesaid order.

31.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No