

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6752 of 2017 (O&M)
Date of decision: 29.09.2017

Harvinderpal Singh and another

... Petitioners

Vs.

Dr. Jatinder Kumar Narula and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Saravpreet Gurna, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 27.07.2017 passed by the learned executing Court, petitioners have approached this Court by way of present civil revision petition under Article 227 of Constitution of India.

During pendency of earlier revision petition bearing CR No.2535 of 2017 (Harvinderpal Singh Vs. Jatinder Kumar Narula and another), this impugned order dated 27.07.2017 came to be passed and while disposing of CR No.2535 of 2015 vide order dated 31.08.2017, this Court observed as under: -

“Learned counsel for the petitioner states that the objections filed before the Executing Court have been dismissed vide order dated 27.07.2017 and the said order is appealable in nature. The petitioner would be at liberty to file appeal along with an application for amendment. The said application would be decided by the Executing First Appellate Court in accordance with law. The very filing of the application along with an appeal

under the present order would not be construed to be an implied permission in favour of the petitioner to sustain such type of objection.

In the event of filing such an appeal along with application for amendment, the Executing First Appellate Court would be obligated to decide the same in accordance with law as well as in the light of order dated 16.05.2016 passed by the High Court in Civil Revision No.7367 of 2013.

Disposed of.”

In compliance of the abovesaid order dated 31.08.2017 passed by this Court, petitioners have not filed any appeal but they have approached this Court by way of instant civil revision petition. In case the petitioners were intending to do so, they were not competent to bypass the abovesaid order dated 31.08.2017 passed by this Court. In that eventuality, petitioners were under legal obligation to seek appropriate modification in the abovesaid order dated 31.08.2017, permitting them to file revision petition instead of appeal, even if the impugned order dated 27.07.2017 was not appealable, as pointed out by learned counsel for the petitioners.

In view of the above, present revision petition is disposed of with liberty to the petitioners to seek the appropriate modification in the abovesaid order dated 31.08.2017 passed by this Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

29.09.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No