

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

CR No. 879 of 2016

DATE OF DECISION : 21.03.2017

Pritam Piara

.... PETITIONER

Versus

Food Corporation of India and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Arun Abrol, Advocate,
for the petitioner.

Mr. Ish Puneet Singh, Advocate, for
Ms. Jatinder Jit Kaur, Advocate,
for the respondents.

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RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition is directed against the order dated 14.08.2015 passed by the learned Executing Court, whereby application moved by the petitioner-decree holder, seeking amendment in his claim beyond the decree dated 20.05.1993, was dismissed.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this court that the judgment and decree dated 20.05.1993, passed by the learned Additional District Judge, Gurdaspur, had already attained finality between the parties. It is also not in dispute that two reliefs were granted to the petitioner-decree holder by way of the decree dated 20.05.1993. These reliefs were; (i) to grant him an

additional increment from 16.12.1978; and (ii) to consider his case for promotion from 13.12.1987, when his juniors were promoted. It has also gone undisputed before this court that both these reliefs have been, as a matter of fact, granted to the petitioner-decree holder by the respondents-judgment debtors.

During the pendency of his execution application, the decree holder sought to amend his claim with a view to include therein the alleged consequential service benefits which were having separate and independent causes of action, if any. To include the later claims of the petitioner in the decree dated 20.05.1993 was beyond the jurisdiction of the learned Executing Court. Having said that, this Court feels no hesitation to conclude that the learned Executing Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It is the settled proposition of law that the learned Executing Court would not go behind the decree. The alleged claims sought to be included by the petitioner in the decree dated 20.05.1993, by way of amendment in his execution application, were admittedly later in point of time. Under these undisputed facts and circumstances of the case, it can be safely concluded that the amendment application moved by the petitioner was wholly misconceived and the same was rightly declined by the learned Executing Court, while passing the impugned order. Since the learned Executing Court committed no error of law, while passing the impugned order, the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner 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.

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 the present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

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

March 21, 2017
ndj

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No