

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

125

CR No.8852 of 2017
Date of Decision:16.12.2017

Azaz Ali (deceased) through his LR and another ...Petitioners

Versus

Riasat Khan ...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Dagar, Advocate
for the petitioners.

ANIL KSHETARPAL, J.(Oral)

Decree-holders are in revision petition against the order dated 12.10.2017 affording opportunity to the judgment-debtor to contest the execution petition.

It is not in dispute that a suit for partition was filed by the plaintiffs/decree-holders. A preliminary decree for partition was passed and thereafter on an application for passing final decree, the final order was passed on 21.11.2015. Thereafter, decree-holders filed an application for execution of the aforesaid decree in which judgment-debtor was proceeded against exparte as he had refused to receive summons.

Learned trial Court has permitted the judgment-debtor to contest the execution petition subsequently. Although, learned counsel for the petitioners has vehemently argued that the order is erroneous, however, this Court is of the considered opinion that no one should be condemned unheard.

case, this Court is of the considered opinion that the learned Executing Court should be directed to finally decide the execution petition within a period of two months from the date of receipt of certified copy of the order.

Hence, this revision petition is disposed of.

16.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No