

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.901 of 2017
Date of decision: 07.02.2017

Ram Niwas and others

... Petitioners

Vs.

Sharmila and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Prateek Gupta, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition, under Article 227 of the Constitution of India, at the hands of the judgment-debtors/defendants, is directed against the impugned order dated 21.01.2017, whereby application moved by the decree-holders/plaintiffs for waiver of their relief to some extent particularly qua rect. No.16, was allowed, so as to facilitate the registration of sale deed in compliance of the decree under execution.

Heard learned counsel for the petitioners.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction. The impugned order has not been found suffering from

any jurisdictional error. In fact, while faced with the practical difficulty at the site for the purpose of registration of sale deed, as some khasra numbers were found incorrectly typed and the area thereof was also overlapping, decree-holders thought it appropriate to waive off their right to some extent so that the sale deed is executed.

It has gone undisputed before this Court that the waiver at the hands of the decree-holders/plaintiffs would be certainly to the benefit of the judgment-debtors/petitioners and if anybody would be the loser, it would be the decree-holders only. Having said that, since the petitioners were not aggrieved party, as no prejudice was going to be caused to them, instant revision petition is wholly misconceived and the impugned order deserves to be upheld.

Moving of the application by the plaintiffs/decrees-holders became their compulsive necessity to overcome the practical difficulty, which was being faced at the site. Seeking correction of some khasra numbers in the plaint and decree would have imposed another round of litigation on the parties. Since the difference of area was negligible, it was rightly thought appropriate on the part of the plaintiffs/decrees-holders to waive off their right to that limited extent. The factual as well as legal aspect of the matter was rightly appreciated by the learned executing Court, in the correct perspective, while passing the impugned order and the same deserves to be upheld, for this reason also.

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 since no illegality has been found in the impugned order passed by the learned executing Court, the same deserves to be upheld. The revision petition

having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

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

[RAMESHWAR SINGH MALIK]
JUDGE

07.02.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No