

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

CR-1004-2018 (O&M)

Date of decision : 22.5.2018

Ramesh Kumar and others

..... Petitioners

Versus

Jai Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.K.Girdhwal, Advocate for the petitioners.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 2.1.2018 (Annexure P-4) passed by Additional Civil Judge (Senior Division), Jhajjar, vide which an application dated 23.4.2010 (Annexure P-2) filed under Order XLVII Rule 1 for review of the judgment and decree dated 11.3.2010 passed in civil suit No. 463 of 2005 was dismissed.

Heard.

Learned counsel for the petitioner contends that in a suit for specific performance was decreed against the defendants for alternative relief of recovery. Defendants No. 1 and 2 had executed the agreement dated 1.10.2002 and defendant No. 5 is the bona fide purchaser whereas defendants No. 3 and 4 are co-sharers. Therefore, they could not be made liable to pay the decretal amount. It was only to be paid by defendants No. 1 and 2 who are party to the agreement. However, inadvertently, in the judgment word '*defendants*' is mentioned, meaning thereby all the

defendants are liable to pay the same.

Review application filed before the trial Court has been dismissed with liberty to the applicants to raise such plea in the execution by filing the objections.

I am of the view that purpose of the review application will be met by allowing the applicants to raise the plea by way of filing objections before the Executing Court, if the decree is sought to be executed against them to say that they are not liable to pay the decretal amount and only defendants No. 1 and 2 are liable to pay the same. It is further ordered that if such plea is raised, Executing Court shall be competent to look into the facts and take a view on the same.

In view of above, present petition is disposed of.

Since, the main petition is disposed of, the miscellaneous application pending, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

22.5.2018

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Whether speaking / reasoned
Whether Reportable:

Yes
No