

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

C.R. No.2407 of 2018

Date of Decision.18.05.2018

Vijay Pal

.....Petitioner

Vs

Sarda Ram (since deceased) through LRs

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ram Bilas Gupta, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

In pursuance of the order dated 17.04.2018, comments of the concerned Presiding Officer have been received. The explanation given is that since execution of the judgment and decree was filed after two years, therefore, as per provisions of Order 21 Rule 22 CPC, notice was issued to the judgment debtor to show cause as to why decree should not be executed. The aforementioned provision does not statutorily give right to the judgment debtor to file objections, which had been a point for consideration before this Court for seeking comments. The trial Court is required to be aware of the provisions for not granting leave to judgment debtor to file objections as a matter of right.

The petitioner-judgment debtor is aggrieved of the impugned order dated 19.03.2018 (Annexure P-3), whereby, defence of the petitioner-defendant for non-filing the objections, has been struck off.

Concededly, judgment and decree of the Court below rendered against the petitioner has been challenged in regular second

appeal bearing No.5900 of 2017.

Noticing the fact that RSA No.5900 of 2017 is pending adjudication, the petitioner is at liberty to move an appropriate application in the aforementioned regular second appeal pending adjudication, if not already filed, but cannot give liberty to file objections.

No ground is made out for interference. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

May 18, 2018
Pankaj*/savita

Whether reasoned/speaking Yes

Whether reportable No