

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

124

CR No.3469 of 2018  
Date of decision: 10.07.2018

The President Shri Mahavir Jain  
Girls High School, Jind

..... Petitioner

Versus

Tripat Kaur Chawla and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Amit Parashar, Advocate  
for the petitioner.

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**ANIL KSHETARPAL, J. (ORAL)**

Petitioner-management is in the revision petition against the order passed by the learned Executing Court dated 12.03.2018 directing the petitioner to lead evidence and prove that the decree-holder remained gainfully employed. There is a decree passed in favour of the respondent which has been modified by this Court vide judgment and decree dated 03.05.2010. The operative part of the judgment reads as under:-

*“Though there is some justification in what the learned counsel for the respondent-plaintiff states. As per the counsel, the appellant would now be bound to pay the back wages, if RSA is dismissed, in terms of undertaking aforementioned. Right to get back-wages, especially so when reinstatement is not being asked, would depend upon the gainful employment of the respondent-plaintiff, which may have to be proved by the appellant if they intend to deny any back-wages.*

*The Regular Second Appeal is, however, dismissed.”*

In the execution petition filed by the decree-holder, the

petitioner-management filed objections. In reply to the objection petition, the decree-holder admitted that she had joined as Supervisor in District Adult Education Officer on 01.10.1982 and thereafter she was enrolled as an Advocate with Bar Council of Delhi in the year 1985. The learned Executing Court has directed the judgment-debtor to lead evidence in support of its plea that decree-holder was gainfully employed. If the judgment-debtor wants to avoid liability as per the judgment which has become final between the parties, it is to lead sufficient evidence to prove that fact. The judgment-debtor cannot merely state that since she has admitted her employment for sometime as Supervisor and thereafter, enrollment as an Advocate, therefore, the judgment-debtor stands absolved of the liability. It would always depend upon the evidence to be led by the parties.

In these circumstances, there is no ground to interfere with the order passed by the Court.

Revision petition is dismissed.

**10.07.2018**

Dinesh Bansal

**( ANIL KSHETARPAL )  
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No