

Civil Revision No.3707 of 2018

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

Civil Revision No.3707 of 2018
Date of decision: 30.05.2018

Anju

.....Petitioner

versus

Ramo Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Surender Saini, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, petitioner has laid challenge to order dated 14.05.2018 of the Executing Court, dismissing her objections.

In nutshell, suit of respondent No.1 for possession and permanent injunction against the husband of the petitioner, namely Yogesh respondent No.2 and one Kanwar Singh, after holding trial, was decreed vide judgment and decree dated 04.05.2016 of the trial Court, which ultimately attained finality being not challenged by husband of the petitioner in appeal or otherwise. Consequently, respondent No.1 filed execution petition, in which objections of the petitioner were dismissed vide impugned order.

Learned counsel for the petitioner *inter alia* contends that impugned order is illegal as the same has not been passed in accordance with the provisions of Order 21 Rule 101 CPC. Since the impugned order is

appealable, therefore, petitioner may be granted liberty to file appeal.

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Anxious consideration has been given to the submissions made by learned counsel for the petitioner. The impugned order has also been perused.

Finding of the Executing Court that objections have been filed by the petitioner in collusion with her husband, is perfectly legal, inasmuch as it is not disputed by the petitioner that she had appeared as DW2 during the trial of the suit against her husband to support him. Observation of the trial Court that, in case, petitioner had any interest in the litigation against her husband, filed by respondent No.1, in that eventuality, she ought to have filed application under Order 1 Rule 10 CPC to implead her as a party in the suit, is also perfectly legal.

Learned counsel for the petitioner has not been able to point out any infirmity in the aforesaid findings, except raising insignificant argument that the Executing Court has not passed the impugned order in accordance with Order 21 Rule 101 CPC. This argument is also liable to be rejected, inasmuch as the impugned order has been passed in conformity with the provisions of Order 21 Rule 101 CPC.

In view of above, revision petition is dismissed.

May 30, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.