

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

CR No.3759 of 2018

Date of Decision: 31.05.2018

M/s Shriram Transport Finance Co. Ltd.Petitioner

Vs

Naresh Kumar and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Perusal of the impugned order dated 27.10.2017 passed by Additional Sessions Judge, Jind would show that execution petition was treated to be fully satisfied on the basis of statement made by the decree holder. In the event of alleging some fraud or undue influence, remedy available to the petitioner is to approach the same Court. Order 23 Rule 3-A CPC bars further action on the ground that the compromise on which the decree is passed was not lawful. Word 'not lawful' has been explained in **Horil Vs. Keshav, (2012) 5 SCC 525** wherein, it was held that even fraudulent compromise is to be challenged before the same Court in terms of bar created under Order 23 Rule 3-A CPC.

In view of aforesaid, petition is disposed of with a liberty to the petitioner to approach the same Court. In case such a challenge is made, the same shall be decided in accordance with law.

May 31, 2018

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No