

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

Civil Revision No.3770 of 2018

Date of decision: May 31, 2018

Jagat Singh

...Petitioner

Versus

Warryam Singh etc.

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.M.S.Atwal, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner Jagat Singh filed this revision petition against respondent Warryam Singh and other proforma respondents under Article 227 of the Constitution of India for setting aside the order dated 30.05.2018 passed by learned Addl. Civil Judge (Senior Division), Garhshankar, vide which the objections filed by petitioner/judgment debtor, were dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that during the pendency of execution proceedings, objector-JD filed objection petition by stating that decree holder had already received a sum of ₹2000/- in the presence of respectables of the village and he agreed not to contest the suit in future regarding property in dispute and to get the file consigned after withdrawing the suit.

Learned counsel for the decree holder contested the objections by stating

that learned lower Appellate Court allowed the appeal against the judgment and decree dated 31.07.1982 and possession was granted in favour of instant decree holder. Thereafter, JD preferred RSA before this Court, which the JDs contested through out and the same was dismissed by this Court vide order dated 13.03.2014. Nowhere in the first or second appeal, the JD propound the alleged compromise.

At the time of arguments, learned counsel for the petitioner-objector stated that he has relied upon the compromise dated 25.01.1999 in the RSA but this Court has not relied upon that compromise. If this is the position that no relief has been given by this Court in the RSA on the basis of alleged compromise dated 25.01.1999, then there is no question to file the objections on the basis of that compromise before the Executing Court. Admittedly, this Court has decided RSA vide order dated 13.03.2014 whereas the compromise is dated 25.01.1999.

Keeping in view above discussion, I find that no illegality has been committed by learned Court below while dismissing the objections. The impugned order dated 30.05.2018 passed by learned Addl. Civil Judge (Sr. Division), Garhshankar, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

May 31, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No