

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 6401-2015 (O&M)
Date of decision: 16.04.2018

Ram Niwas

.....Petitioner

versus

Jai Bhagwan and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Balraj, Advocate for
Mr.Jagmohan S. Ghumman, Advocate for the petitioner
Mr.NAveen S. Bhardwaj, Advocate for respondent no.1
Mr.Chanderhas Yadav, Advocate for respondent no.2

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 8.7.2015, passed by learned Civil Judge (Junior Division), Gurgaon, vide which in the execution, the value of the trolley was assessed at Rs.15,000/- and that of harrow at Rs.10,000/-.

Heard.

The background of the case is that tractor bearing No.HRU-2458 Model 1981 along with trolley and harrow were given on superdari to respondent Ishwar. Apparently, the said tractor, trolley and harrow were 34 years old in the year 2015 when the impugned order was passed. The superdar was required to return the same to the decree holder. Tractor was ordered to be returned. However, since trolley and harrow were not available with the superdar, therefore, application was filed for assessing its

value so that amount equivalent to the value can be paid to the decree holder. Learned Civil Judge (Junior Division), while assessing the value of the trolley and harrow has opined that the value of the trolley is Rs.15,000/- and that of harrow is Rs.10,000/-.

I am of the view that the said articles were given on superdari to the superdar 17 years back. With the passage of the time, these might have become scrap. Age of these articles is 34 years as these were stated to have bought along with the tractor Model 1981.

Learned counsel for the petitioner states that the value of the scrap has risen sky high during this period.

I am of the view that the trial Court considered the condition of the said trolley and harrow and only then assessed its value. This Court without any specific data or assessment, cannot substitute its value with the value assessed by the Executing Court. There is no ground to interfere in the impugned order.

Resultantly, the present revision petition stands dismissed.

16.04.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No