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

**CR-6799-2015 (O&M)
Date of decision : 08.02.2018**

Balbir

... Petitioner(s)

Versus

Pale Ram (deceased through LRs) and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.R. Hooda, Advocate
for the petitioner(s)
in CR Nos.6227 and 7366 of 2015.

Mr. K.C. Rajput, Advocate
for the petitioner(s) in CR Nos.6799, 6809 to 6812, 6940 to
6948 of 2015 & 2206 of 2017.

Ms. Chhavi Sharma, Advocate for
Mr. P.S. Chauhan, Advocate
for respondent Nos.1 to 16.

Mr. Badal Malik, Advocate,
for respondent No.12 in CR-7366-2015.

Mr. Amit Goyal, Advocate
for respondent No.5 to 11 in CR-6799-2015.

Mr. S.P. Chahar, Advocate
for respondent No.17 in CR-6227-2015.

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of seventeen revision petitions bearing CR No.6799 of 2015 (O&M) titled as “Balbir V/s Pale Ram (deceased through LRs) and others”, CR No.6809 of 2015 (O&M) titled as “Satbir and another V/s Pale Ram (deceased through LRs) and others”, CR

No.6810 of 2015 (O&M) titled as “Manphool V/s Pale Ram (deceased through LR) and others”, CR No.6811 of 2015 (O&M) titled as “Angoori V/s Pale Ram (deceased through LR) and others”, CR No.6812 of 2015 (O&M) titled as “Ishmial @ Mala V/s Pale Ram (deceased through LR) and others”, CR No.6940 of 2015 (O&M) titled as “Shanti V/s Pale Ram (deceased through LR) and others”, CR No.6941 of 2015 (O&M) titled as “Karambir V/s Pale Ram (deceased through LR) and others”, CR No.6942 of 2015 (O&M) titled as “Ashok V/s Pale Ram (deceased through LR) and others”, CR No.6943 of 2015 (O&M) titled as “Natha Singh V/s Pale Ram (deceased through LR) and others”, CR No.6944 of 2015 (O&M) titled as “Santosh V/s Pale Ram (deceased through LR) and others”, CR No.6945 of 2015 (O&M) titled as “Ved Pal and others V/s Pale Ram (deceased through LR) and others”, CR No.6946 of 2015 (O&M) titled as “Satyawar V/s Pale Ram (deceased through LR) and others”, CR No.6947 of 2015 (O&M) titled as “Sonu V/s Pale Ram (deceased through LR) and others”, CR No.6948 of 2015 (O&M) titled as “Rajbir V/s Pale Ram (deceased through LR) and others”, CR No.6227 of 2015 (O&M) titled as “Ram Kumar V/s Pale Ram (deceased through LR) and others”, CR No.7366 of 2015 (O&M) titled as “Hari Parkash and others V/s Pale Ram (deceased through LR) and others” and CR No.2206 of 2017 (O&M) titled as “Surat Singh V/s Pale Ram (deceased through LR) and others”, preferred against the impugned order dated 30.05.2015, whereby the objections filed against the judgment and decree dated 12.05.2009 passed by the Civil Judge (Junior Division) and against the preliminary decree dated 29.07.1999, have been dismissed by the trial Court after framing the issues. Admittedly, the petitioner(s)

were not the parties to the suit and therefore, the objections at their instance were to be treated as third party objections, though on going through the record of the paper book, final decree dated 12.05.1999 (Annexure P-4) has already been passed. Be that as it may, as per the provisions of Order 21 Rule 101 of the Code of Civil Procedure, the questions to be determined by the Executing Court in objections of such nature are with regard to title, right and interest of the property between the parties and the aforementioned questions have to be dealt with in a procedure as prescribed under Order 21 Rule 100 CPC, whereas the provisions of Order 21 Rule 103 CPC deal that any adjudication of such procedure shall have the same force as if it was a decree. The decree in view of aforesaid provisions, is thus appealable before the District Judge and the revision would not be maintainable.

When confronted with this situation, learned counsel for the petitioner(s) seek permission of this Court to withdraw the revision petitions with liberty to avail the remedy of appeal provided that the period spent herein is condoned as per the provisions of Section 14 of the Limitation Act.

The request of the learned counsel for the petitioner(s) is fair and just.

Since the order, under challenge, is an adjudication of third party objections by framing the issues having force of a decree as per the Order 21 Rule 103 CPC. The revision petitions are ordered to be dismissed as withdrawn with liberty to avail the remedy of appeal and the period spent herein is also ordered to be condoned by taking the aid of the provisions of Section 14 of the Limitation Act. It is made clear that the appeal shall be filed within a period of thirty days from today.

The Revision Petitions stand disposed of.

08.02.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No