

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

**CR No.7744 of 2014 (O&M)**

**Date of decision : February 15, 2018**

**Food Corporation of India**

**..... Petitioner**

**Versus**

**M/s/ Ram Parkash & Company and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:-** Mr. K.K. Gupta, Advocate for the petitioner.

Mr. Paramdeep, Advocate for  
Mr. Gourav Chopra, Advocate for the respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

**KULDIP SINGH J. (ORAL)**

Impugned in the present revision petition is the order dated 10.09.2014 passed by learned Civil Judge (Sr. Divn.), Hoshiarpur, vide which two applications, one for condonation of delay and another for restoration of the execution moved by the decree holder were dismissed.

The execution application was dismissed in default on 24.12.2007 due to non-appearance of the decree holder. An application for restoration of the same was filed after 30 days i.e. on 30.04.2009.

After hearing learned counsel for the parties, I am of the view that these are execution proceedings. Even if, one execution is dismissed, fresh execution can be filed. However, in the present case, difficulty is that the decree was passed on 09.02.1988. Therefore, if the execution is not restored, the same will become time barred. It also comes out that during the execution, some amount was paid and remaining amount was to be paid by the judgment debtors.

It is contended that due to mistake of noting wrong date, the decree holder did not appear and the counsel thereafter did not inform him and when he came to know about the dismissal of the execution, the application was filed.

After going through the file and after hearing learned counsel for the parties, I am of the view that in the execution, some payment was made and the balance payment was to be made. Therefore, the execution needs to be decided on merits, without going into the technicalities of restoring the same.

Hence, the impugned order dated 10.09.2014 passed by learned Civil Judge (Sr. Divn.), Hoshiarpur is set aside and the execution is restored to its original number and it is ordered to be decided on merits.

As such, the present revision petition is allowed.

**(KULDIP SINGH)**  
**JUDGE**

**February 15, 2018**

sarita

Whether speaking / reasoned                      Yes

Whether Reportable:                                      No