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

**Civil Revision No.8035 of 2017 (O&M)
Date of Decision: 24.07.2019**

**M/S BABU RAM AND SONS AND ANOTHER
.....Petitioners**

Vs

**RAJINDER SINGH
....Respondent**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:None for the petitioners.

Mr. Rakesh Chopra, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred by the petitioners against the order dated 25.05.2017 passed by the Civil Judge (Sr. Divn.) Fatehgarh Sahib vide which for considering the objections, issues were framed.

[2]. While issuing notice of motion on 16.11.2017, following order was passed:-

*“Learned counsel submits that the Court has framed issues and proceeding with the execution as if a trial was to be conducted and the grievance is that the objections could be disposed of after hearing both the sides and order in the case can be passed. He placed reliance upn **Rocky Tyres Vs. Ajit Jain, 1998(2) RCR(Civil) 17 (P&H).***

Notice of motion, returnable for 08.03.2018.

Further proceedings before the Executing Court are stayed.”

[3]. Perusal of the record would show that there was no representation on behalf of the petitioners on 08.03.2018, 26.11.2018 and even today. None is present to represent the cause of the petitioners. The Court cannot keep the cases pending for indefinite period, particularly when the matter can be disposed of on the basis of material apparent on record.

[4]. Learned counsel for the respondent vehemently submitted that there is non-compliance of Order 21 Rule 54 CPC.

[5]. The executing Court shall advert to the objections filed by the judgment-debtor with reference to the material which has been brought on record and thereafter shall pass appropriate order in accordance with law. The subject matter of the objections is not such which requires framing of any issue. The objections can be decided after hearing both the parties with reference to the material available on record of the executing Court. Perusal of the impugned order to the extent of framing of issues, in my considered opinion is not sustainable, however the trial Court can proceed with the objections filed by the respondent on the basis of material already available on record. Consequently, the impugned order to that extent is set aside.

[6]. For the reasons recorded hereinabove, this revision petition is disposed of.

[7]. Since the revision petition has been disposed of in the absence of learned counsel for the petitioner, therefore, the petitioners shall pay an amount of Rs.20,000/- to the respondent as costs. The payment of the costs shall be the condition precedent for prosecution of the case by the petitioners.

July 24, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No