

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

**CR No.657 of 2019(O&M)
Date of Decision: 29.01.2019**

Jarnail SinghPetitioner
Versus
Prem Rudi Srikureja @ Jasbir Kaur and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Kawaljyot Singh, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed the order dated 31.05.2018 passed by Civil Judge (Senior Division) (NRI), Jalandhar whereby objections filed by the petitioner were dismissed.

[2]. The factum regarding death of Prem Rudi Srikureja @ Jasbir Kaur could not be established by the petitioner with reference to any material on record. An application was filed by the petitioner, seeking permission to place on record affidavit in respect of death of Prem Rudi Srikureja @ Jasbir Kaur (decree holder) and for dismissal of execution. In alternative, prayer was made to produce Prem Rudi Srikureja @ Jasbir Kaur in Court, if she is alive.

[3]. Petitioner is alleged to have visited Bangkok on 25.02.2017 where he stayed upto 07.03.2017. During his stay in Bangkok, he allegedly came to know that Prem Rudi Srikureja @ Jasbir Kaur has already expired. Petitioner could not produce on record passport, air ticket and any proof of his stay in

Bangkok.

[4]. The earlier objections filed by the petitioner were dismissed by Civil Judge (Senior Division) (NRI cases), Jalandhar on 19.04.2016. An appeal preferred by the petitioner was also dismissed by the Additional District Judge, Jalandhar vide order dated 27.05.2016. Revision petition filed by the petitioner in the High Court was also dismissed.

[5]. As per stand taken by the decree holder, Jasbir Kaur @ Prem Rudi Srikureja is alive, but she is keeping indifferent health. The reply to the application filed by the decree holder was duly verified at Bangkok by Prem Rudi Srikureja @ Jasbir Kaur herself. Even the photographs produced by the decree holder were appreciated by the executing Court along with medical certificate of Prem Rudi Srikureja @ Jasbir Kaur.

[6]. Court cannot be instrumental in collecting evidence for either of the parties. In my considered opinion, there is no error of jurisdiction in the impugned order dated 31.05.2018 passed by Civil Judge (Senior Division) (NRI), Jalandhar. This revision petition is accordingly dismissed.

29.01.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No