

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 1980 of 2019 (O&M)

Date of decision : 25.3.2019

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Veerpal Kaur and another

.....Petitioners

vs.

Balbir Singh and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Lalit Pathak, Advocate for the petitioners.

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H. S. Madaan, J.

This revision petition is directed against order dated 20.2.2019, passed by Civil Judge (Junior Division), Nabha, vide which he had dismissed the objections under order 21 Rule 58 read with Section 47 CPC, filed by the petitioners Veerpal Kaur-wife and Karanveer Singh – minor son of Jhujhar Singh, J.D.

Briefly stated, facts of the case are that one Balbir Singh had filed a suit for possession of house situated at village Dulladi, Tehsil Nabha, District Patiala, by specific performance of agreement to sell. That civil suit, after contest, was decreed by the trial Court vide judgment and decree dated 6.7.2017. Though the defendant has filed

an appeal but no stay order was granted by the Appellate Court. The plaintiff-decree holder filed an application for execution of the decree. In the said application, petitioners, i.e. wife and minor son of Jhujhar Singh preferred objections, stating that they have been deserted by the respondent -judgment debtor and no maintenance amount is being provided to them; they have filed a suit as indigent persons against Jhujhar Singh, where stay order has been granted and in order to defeat legal rights of the objectors Balbir Singh in connivance with Jhujhar Singh procured false and fabricated agreement to sell, which is result of fraud and liable to be set aside. The house in question is only residential house available to the objectors. Therefore, the judgment and decree passed by the trial Court be set aside. Those objections were dismissed by the Executing Court vide order dated 20.2.2019.

Feeling aggrieved, the petitioners-objectors have approached this Court by way of filing the present revision petition.

After hearing learned counsel for the petitioners and going through the record, I find that there is absolutely no merit in the revision petition. The suit for maintenance as indigent persons was filed on 8.8.2018, whereas the suit for possession by specific performance had been filed way back in the year 2015 and decree was passed on 6.7.2017. The judgment debtor seems to have got those objections filed through his wife and minor son to avoid execution of the decree. Those objections were rightly rejected by the Executing Court and no fault can be found with the order doing so.

The impugned order is well reasoned and does not suffer from any illegality or infirmity, which might have called for interference by this Court while exercising the revisional jurisdiction.

Therefore, the revision petition stands dismissed.

25.03.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No