

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2318-2019 (O&M)

Date of decision : 23.09.2019

Jai Pal Singh (deceased) through his LR's and another Petitioners

Versus

Satpal and others ... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Aditya Jain, Advocate
for the petitioners.

H.S. MADAAN, J

Plaintiff-Satpal and Mahinder Pal had brought a suit against Jai Pal Singh, Manbir Singh and other defendants. That suit was decreed vide ex-parte judgment dated 19.10.2013. Legal heirs of Jai Pal Singh and Manbir Singh had approached the trial Court seeking setting aside of ex-parte judgment and decree. However, their application was dismissed by the trial Court.

The plaintiffs had brought an execution application for execution of decree passed in their favour. Legal heirs of Jai Pal Singh-defendant No.1 as well as Manbir Singh-defendant No.2 had appeared before the Executing Court and filed the objections. The said objections were dismissed by the Executing Court vide impugned order dated 30.01.2019.

The respondents felt aggrieved by such order and have approached this Court by way of filing the instant revision petition.

I have heard learned counsel for the revisionists besides going through the record.

After dismissal of application under Order 9 Rule 13 CPC filed by legal heirs of Jai Pal Singh-defendant No.1 and Manbir Singh-defendant No.2 before the trial Court, the judgment and decree passed by such Court have become final and binding between the parties, since there is nothing on record to show that the legal heirs of Jai Pal Singh-defendant No.1 and Manbir Singh-defendant No.2 had challenged the said order in the superior Court.

It being so, the decree is to be executed as such. The objections put forward by the revisionists-defendants have been disposed of by the Executing Court vide impugned order, which is quite detailed and well reasoned.

I do not see any illegality, irregularity and infirmity in such order. There is no error apparent on the face of such order. Therefore, no ground to interfere therewith by exercising revisional jurisdiction is found to be there.

Accordingly, the revision petition stands dismissed.

(H.S. MADAAN)
JUDGE

23.09.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No