

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.3686 of 2019 (O&M)
Date of Decision.30.05.2019

Sukhwinder Singh

...Petitioner

Vs

Janak Raj (since deceased) through LRs

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

Learned counsel for the petitioner submits that vide impugned order dated 09.12.2017, trial Court granted liberty to withdraw the execution petition on the basis of statement suffered on 29.11.2017 extracted at page 10 of the paper book, which reads as under but attachment of property of the petitioner-judgment debtor has been kept intact:-

“Janak Raj Vs. Sukhwinder Singh

*Statement of Sh. Sanjeev Gupta, Advocate, counsel for
D.H.*

*As per the instruction of the LR of Janak Raj
namely Dicky Mittal & others, I withdraw the present
execution for the time being as have not been satisfied.*

RO&AC

sd/-

*Aman Preet Singh
ACJ (SD)/SDJM
Talwandi Saho
29.11.2017”*

The aforementioned order is liable to be modified.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the appropriate remedy for the petitioner is to seek clarification of the order by moving appropriate application, as the withdrawal of the execution petition was without any condition or prejudice.

The revision petition stands disposed of with liberty aforementioned. However, it is made clear that if such application is moved, the trial Court shall decide the application by passing a reasoned order without being influenced by the order dated 29.11.2017.

(AMIT RAWAL)
JUDGE

May 30, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No