

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

RA-CR-128-2019 in
CR-3639-2019 (O&M)
Date of decision: 21.08.2019

Rajinder Singh

...Petitioner

Versus

Surmukh Singh and others

...Respondents

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

Present: Mr. A.K. Gupta, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

This is an application for review/recalling of order/judgment dated 29.05.2019, passed in CR-3639-2019.

Inter alia, it is contended that inadvertently, wrong facts have been referred in para No.6 of the order because judgment debtor had not filed first appeal or second appeal against the impugned judgment and decree dated 26.11.2012 and first appeal and second appeal were filed by plaintiff himself and further, the judgment debtor/defendant was proceeded against *ex parte* at the initial stage of the suit.

I have heard learned counsel for the applicant and gone through the impugned order.

In the order in question, the contentions recorded by the Executing Court were noticed, ultimately coming to the conclusion that the order did not suffer from any illegality or infirmity, much less, the

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same being perverse, arbitrary or having been passed against settled principles of civil law. Furthermore, no error apparent on the face of that order was found to be there, which might have called for interference by this Court, while exercising revisional jurisdiction. Resultantly, the revision petition was dismissed. Under the circumstances, whether first appeal or second appeal were filed by the revisionist/defendant or the plaintiff do not go to the root of the matter and would not warrant any recall/review of the order. The application being without merit stands dismissed.

21.08.2019 (H.S. MADAAN)
sumit.k JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No