

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

CR-6273-2019 (O&M)
Date of decision: 01.10.2019

Sompal Chauhan

...Petitioner

Versus

Sunita Verma and others

...Respondents

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

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

H.S. MADAAN, J. (Oral)

Under challenge in this revision petition is order dated 29.05.2019, passed by Addl. Civil Judge (Sr. Divn.), Chandigarh, dismissing the objection petition filed on behalf of JDs/respondents.

Briefly stated facts of the case are that plaintiff Smt. Sunita Verma had filed a suit for recovery against defendants i.e. M/s Golden Movements, Manimajra, Chandigarh and its partners Som Pal Chouhan and Yogesh Soni.

On getting notice, the defendants appeared and offered a contest. On conclusion of trial, vide judgment and decree dated 03.05.2018, suit of the plaintiff was decreed partly for recovery of Rs.12,77,500/- on account of arrears of rent and Rs.2,14,087/- towards arrears of electricity charges, total amounting to Rs.14,91,587/- with interest and costs.

The plaintiff/DH filed an execution application in the

trial/Executing Court. JD No.2 had filed objections, contending that DH had played fraud in connivance with defendant No.3 and judgment and decree are null and void, since JD No.2 never appeared before the Court and his signatures on the vakalatnama furnished by Sh. Rajinder Sharma, Advocate were forged. The Executing Court dismissed the objections, vide impugned order dated 29.05.2019, observing that admittedly JD No.1 is a partnership firm in which JD Nos.2 & 3 are partners and an act done by one partner on behalf of the firm is binding upon the firm and every partner is liable jointly and severally with other partners. Furthermore, in the execution petition, JD Nos.2 & 3 had given a joint power of attorney to the counsel and there was nothing to show that JD No.3 had filed a criminal case against JD No.2 or Sh. Rajinder Sharma, Advocate. Therefore, the objections were dismissed.

I find that the order is quite detailed and well reasoned and it does not suffer from any illegality or infirmity, much less apparent on the face of it. As stated by learned counsel for the revisionist, first appeal against the judgment and decree passed by the trial Court is pending. The revisionist has got remedy of moving an appropriate application there, however, no fault can be found with the order passed by the Executing Court, dismissing the objection petition. Therefore, no ground is there to interfere with the impugned order by exercising revisional jurisdiction. Thus, finding no merit in the revision petition, the same stands dismissed.

01.10.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No