

CR No.7158 of 2019 (O&M)
Date of Decision: 14.11.2019Haryana State Agricultural Marketing Board and another
.... Petitioners

Versus

Ashok Kumar

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Vishal Garg, Advocate, for the petitioners.

NIRMALJIT KAUR, J. (ORAL)

The present revision is filed against the order dated 25.7.2019, vide which, the objections filed by the judgment debtors were dismissed.

While praying for setting aside the order, two-fold arguments were raised by learned counsel for the petitioners. Firstly, the Executing Court cannot go behind the decree where, it is not specified as to how much amount is liable to be paid by the petitioners towards the 17 increments in the 17 years of service rendered by the respondent in the Indian Army and secondly, the Executing Court could not have directed the respondent to place on record the calculation, as the calculation was required to be represented alongwith the execution petition.

The judgment dated 30.11.2016, vide which, the plaintiff-respondent was held entitled to the benefit of 17 increments in the 17 years of service rendered by him in the Indian Army, has attained finality. The said order was passed way back on 30.11.2016. Almost three years have passed since then. No appeal has been filed against the said order till date. Therefore, the Executing Court had no choice but to proceed with the execution of the decree in question. The argument that the respondent should have filed the calculation alongwith the petition has no merit and no

fault can be found with the direction issued by the Executing Court to the respondent-plaintiff to give the calculation. No such valid argument has been raised, which may enable this Court to interfere with the impugned order dated 25.7.2019.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

14.11.2019

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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No