

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

CR No.7460 of 2019 (O&M)

Date of Decision: 05.12.2019

M/s Maha Luxmi Spinning Weaving Mills and another

..... Petitioners

Versus

Ram Shingar

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Narinder S. Dadwal, Advocate
for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

Heard Ld. Counsel for the petitioners.

2. It is his contention that through the deposition of the Clerk of the concerned Bank, who was examined from the side of his client before the Court of Ld. Civil Judge (Junior Division), Ludhiana, before whom, the execution application No.39386 of 2013 is pending, evidence was brought on record to the effect that the disputed amount of ₹ 1,30,000/- as mentioned in para No.2 of his application (Annexure P-4) was disbursed by way of clearing of Cheque No.015154 dated 13.04.2017.

3. Such payment was denied by the respondent-Decree Holder, namely, Ram Shingar, and the predecessor of the Ld. Court below in her previous order dated 18.01.2019 (Annexure P-3) had disbelieved the petitioners' claim by holding that there was no proof regarding the identity of the person, who had received the payment to establish that it was the respondent-Decree Holder, namely, Ram Shingar himself.

4. The petitioners instead of challenging that previous order, virtually sought review of the same by filing the subsequent application, which was rightly rejected by the Ld. Court below.

5. Even in answer to a subsequent query of this Court, as to what is the actual material available with the petitioners to prove that recipient of the money disbursed from the Bank as claimed was actually the Decree Holder and none else claiming to have that name, Ld. Counsel for the petitioners has been unable to draw attention to any evidence available with them in that regard.

6. In view of the aforesaid observations, this Court, thus, finds no merit in the present petition and the same, therefore, stands dismissed.

December 05, 2019

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**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No