

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

104

**CR No.7535 of 2018 (O&M)
Date of Decision: 23.1.2019**

ROHTASH

.....Petitioner

Versus

JEET SINGH

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Shilak Ram Hooda, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has assailed the order dated 26.9.2018 passed by the Executing Court, vide which the objections filed by the petitioner against the execution of decree were dismissed.

An ex parte judgment and decree was passed against the petitioner. In execution of the said judgment and decree, learned counsel for the decree holder made a statement in the Court that he had received an amount of Rs.1,68,636/- as part payment and he would file fresh execution on receipt of information regarding the other properties of the judgment debtor. He reserved his right to file fresh execution and thereafter, he made a request to the Court for withdrawal of earlier execution. The statement in itself was sufficient to rule

out any relinquishment of any right for filing second execution, which is otherwise not shown to be barred under any law in terms of Article 136 of the Limitation Act.

In view of reservation of right by the decree holder, the indulgence granted by the Executing Court cannot be found to be suffered with any error of jurisdiction or perversity.

This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

January 23, 2019 anita	(RAJ MOHAN SINGH) JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No