

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

1.CR-7958-2018 (O&M)

M/s Heritage Projects and others

....Petitioners

Versus

Surinder Kumar Sehgal

..Respondent

2.CR-7959-2018 (O&M)

M/s Heritage Projects and others

....Petitioners

Versus

Uma Sehgal

..Respondent

Date of decision: 12.10.2021

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Atul Goyal, Advocate for the petitioners
 Mr. Vivek Salathia, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

By this order two connected civil revision petitions, between the same parties, arising from the identical orders, shall stand disposed of. Learned counsel representing the parties are ad idem that both these revision petitions can conveniently be disposed of by a common order. The petitioners are judgment debtors in an application for the execution of the money decree.

The judgment debtor assails the correctness of the order passed by the Additional Civil Judge, Amritsar, on 11.10.2017, which has been affirmed in appeal by the Additional District Judge vide order

dated 07.09.2018.

CR-7958-2018 (O&M) and connected case

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There is a decree for recovery of amount against the judgment debtors. The petitioners filed separate applications for setting aside an ex parte decree. The aforesaid application has been dismissed by both the courts after finding that the petitioners had the knowledge of the pendency of the suit. In these cases, Sh. Kapil Mehra has appeared in evidence and admitted that he had a knowledge about the pendency of the suit because the decree holder had talked to him regarding the payment and on his such payment, the suit was decided to be withdrawn. He has further stated that after the decision of the suit, he had a conversation with the decree holder who assured that if the judgment debtor makes the payment, he will withdraw the execution petition. Furthermore, it has come in evidence that the petitioners applied for inspection of the file on 24.07.2014 after gaining alleged knowledge on 14.07.2014. However, the application for setting aside ex parte decree has been filed only on 11.08.2015.

Keeping in view the aforesaid facts, no ground to interfere with the concurrent finding of fact is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

12.10.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE