

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

CR-41-2022(O&M)

Date of decision : 10.01.2022

Gobind Kumar

... Petitioner(s)

Versus

Ravinder Kumar

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ankush Singla, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 17.11.2021 passed by the District Judge, Barnala whereby the application filed by the petitioner for transfer of the execution petitions pending in different Executing Courts at District Court Barnala to the same Executing Court has been dismissed.

The brief facts relevant to the present *lis* are that two execution applications being *Execution Petition No.1333/2013* titled as *Ravinder Kumar son of Achhar Kumar resident of Barnala Vs. Gobind Kumar son of Baldev Krishan resident of Barnala* for executing the decree passed in Civil Suit No.587 decided on 25.08.2003 and *Execution Petition No.95 of 2020* titled as *Gobind Kumar son of Baldev Krishan resident of Barnala Vs. Ravinder Kumar son of Achhar Kumar resident of Barnala* for executing the decree passed in Civil Suit No.703 of 18.10.2012 decided on 13.11.2017, are pending. The petitioner filed an application (Annexure P-1) for transfer of

both the execution petitions to one Executing Court. The reason given in the said application for seeking transfer of the execution petitions reads as under:-

“3. That for justice and speedy expedition of two executions, it is well in the interest of justice that two executions may kindly be sent to one court whichever the Hon'ble Court deems fit. The two executions may be clubbed together, may be ordered to be put up in Lok Adalat with a probable hope of compromise there.”

Learned District Judge vide the impugned order dated 17.11.2021 referred both the matters to the Pre Lok Adalat to be held on 24.11.2021. The parties thereafter appeared before the Pre Lok Adalat, however, no compromise was arrived at between the parties.

Learned counsel for the petitioner would contend that the petitioner had made a two-fold prayer, first was to club the two execution petitions and secondly to refer the cases to the Lok Adalat and that vide the impugned order the learned District Judge has not dealt with the second prayer i.e clubbing both the execution petitions.

Heard.

In the present case the only reason which was stated in the application (Annexure P-1) for transfer of the execution petitions was that “for justice and speedy expedition”, both execution petitions may be sent to one court and may be clubbed together and ordered to be put up in Lok Adalat in the hope of a compromise. The learned District Judge vide the impugned order referred the matter to the Pre-Lok Adalat, however, admittedly the parties have not been able to arrive at a compromise.

Learned counsel for the petitioner has contended that the learned District Judge has erred in not clubbing the two execution petitions inasmuch as the parties to the petitions are the same and, hence, it is a fit case for clubbing of the two execution petitions.

A perusal of the application (Annexure P-1) reveals that Execution Petition No.1333/2013 is titled *Ravinder Kumar son of Achhar Kumar resident of Barnala Vs. Gobind Kumar son of Baldev Krishan resident of Barnala* whereas Execution Petition No.95 of 2020 is titled *Gobind Kumar son of Baldev Krishan resident of Barnala Vs. Ravinder Kumar son of Achhar Kumar resident of Barnala*. The decrees passed in the two civil suits (Annexures P-2 and P-3) both pertain to different and separate properties. The only common factor involved in the execution petitions is that the parties are the same. The execution petitions have been filed on the basis of two separate decrees passed by two separate different Courts qua two different properties.

Learned counsel for the petitioner has not been able to show any judgment or canvass any other ground to substantiate his plea.

In view of the above, I do not find any merit in the present revision petition which is dismissed.

Dismissed.

(ALKA SARIN)
JUDGE

10.01.2022
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO