

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 326 of 2022 (O&M)

Date of Decision: 29.08.2022

Vikas Tandon

... Petitioner(s)

Versus

Mamta Rani and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Lupil Gupta, Advocate
for the petitioner(s).

Mr. Kushagra Mahajan, Advocate
for the respondent No.4 (ii).

Anil Kshetarpal, J.

1. An application filed by the petitioner for restoration of the execution petition, which was dismissed in default, has been dismissed by the Court.

2. The petitioner claims that judgment debtor No.2 purchased the rights of the decree holder No.2 and 3. Subsequently, the judgment debtor No.2 (Sh.Ashok Kumar) sold the rights to his two sons, namely Sh.Rajiv Tandon and Sh.Vikas Tandon vide a registered transfer deed dated 15.07.2016. The Executing Court has dismissed the application on the ground that the petitioner has no locus standi to file restoration application. The petitioner claims to be assignee of the rights of the decree holder No.2 and 3 through his father Sh.Ashok Kmar. Hence, he has the locus to file an application for restoration.

submits that no document was produced by the petitioner in support of his submission before the Executing Court.

4. The petitioner, while filing the petition, has claimed that he is assignee of the rights of the decree holder No.2 and 3. The same is supported by an affidavit. The Executing Court, before dismissing the application, should have granted an opportunity to the petitioner to produce the document in support thereof.

5. Keeping in view the aforesaid facts, the present revision petition is allowed and the order, under challenge, is set aside. The Executing Court is directed to permit the petitioner to produce the transfer deed and thereafter, proceed to decide the matter. The parties, through their learned counsel, are directed to appear before the Executing Court on 29.09.2022.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 29, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No