

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

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CR-1191-2022 (O&M)
Date of decision : 21.04.2022

Jagjit Kaur

...Petitioner

versus

Chief General Manager, Punjab

National Bank and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Raman K. Sharma, Advocate for the petitioner

ALKA SARIN, J. (Oral)

The present revision petition under Article 227 of the Constitution of India has been filed for issuance of directions to the Additional District Judge, Ferozepur to transfer the execution to the District Judge, Chandigarh for compliance of decree dated 26.04.2017.

A perusal of the present revision petition reveals that neither is there any order which has been impugned in the present case nor is there any order passed on the application for transfer of the execution petition to the Court of District Judge, Chandigarh.

Learned counsel for the petitioner would contend that no order has been passed on the application under Order 21 Rule 6 CPC for transfer of the execution petition to the Court of District Judge, Chandigarh. Learned counsel would further contend that vide order dated 24.01.2022 objections have been called for, which are not necessary. It is further contended that the Bank is not permitting the petitioner to operate the locker.

Hence, it is prayed that directions be issued transferring the matter to the District Judge, Chandigarh.

Heard.

In the absence of any impugned order or any adverse order, the present revision petition itself is not maintainable. A perusal of the paperbook reveals that though it has been stated that the Bank at Chandigarh is not permitting the operation of the locker, however, there is no document to support the same. The petition under Section 270 read with Sections 272, 276 of the Indian Succession Act, 1925 was contested by the respondents therein. Vide order dated 26.04.2017 the Court held that no probate could be issued as no Executor had been appointed. However, the Court accorded Letters of Administration qua the estate of the deceased Premjit with the Will annexed subject to filing valuation of the Will and on furnishing bonds of Letters of Administration.

Thereafter an application was filed by the petitioner herein for placing on record inventory of articles and statement of account. It was further stated in the application that the Manager, Punjab National Bank, Sector-17-B, Chandigarh was not permitting the articles to be removed from the locker. The application was disposed off vide order dated 11.04.2018 holding that orders in this regard had already been passed and the Bank authorities were bound to comply with the judgment dated 26.04.2017. The petitioner filed COCP-137-2021 which was dismissed as withdrawn on 21.01.2021. The petitioner thereafter filed an application under Order 21 Rule 6 CPC for transfer of the execution petition to the Court of District

Judge, Chandigarh. On 24.01.2022 the case was adjourned for filing of objections.

The argument of the learned counsel that the calling of objections is unnecessary cannot be accepted. The Additional District Judge, Ferozepur cannot be faulted with for inviting objections. The Court, in its discretion, has called for objections. No adverse order has been passed against the petitioner necessitating the filing of the present revision petition. The application seeking transfer of the execution petition to the Court of District Judge, Chandigarh is still pending.

In view of above, the present revision petition is nothing but an abuse of the process of law and accordingly the same is dismissed with costs of Rs.10,000/- to be paid to the District Legal Services Authority, Ferozepur. Pending applications, if any, also stand disposed off.

April 21, 2022
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(ALKA SARIN)
JUDGE

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