

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

CR No.3881 of 2022

Date of Decision: 16.11.2022

Jagmal

.....Petitioner.

Versus

Neesha Devi @ Manisha Devi and another

.....Respondents.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Manvinder Singh Dalal, Advocate
for the petitioner.

Mr. Vikram Singh, Advocate
for the respondents.

MEENAKSHI I. MEHTA, J. (Oral)

The petitioner-Judgement Debtor-defendant (for short, 'the JD') herein has assailed the order dated 08.08.2022 (Annexure P-1) passed by learned Civil Judge (Junior Division), Jagadhri (for short 'the Executing Court') in the Execution Application No.162 of 2019 titled as **Neesha Devi @ Manisha Devi and another Vs. Jagmal**, whereby his defence has been struck-off, while observing that he had failed to file the Objections since 10.02.2020, despite imposition of the cost for the said purpose.

2. I have heard learned counsel for the petitioner-JD as well as learned counsel for the respondents-Decree Holders (for short, 'the DHs') in the present revision petition and have also perused the file carefully.

3. Learned counsel for the petitioner-JD contends that the JD is a

senior citizen and is not well versed with the legal intricacies of the matter and hence, he could not file the Objections well in time and the impugned order, being a harsh one, deserves to be set-aside.

4. Per contra, learned counsel for the respondents-DHs argues that the Executing Court has rightly passed the impugned order as the JD had failed to file the Objections despite availing numerous opportunities for the said purpose and hence, this petition be dismissed.

5. A perusal of Annexure P-4 (colly), i.e the orders passed by the Executing Court, reveals that the power of attorney on behalf of the JD was filed on 10.02.2020 and thereafter, the JD had availed as many as 08 (eight) effective opportunities for filing the Objections and on 17.11.2021, the cost worth Rs.500/- had also been imposed upon him while adjourning the case to 04.02.2022 but on the said date, he had not paid the cost and finally, the impugned order had been passed. It being so, this Court is of the considered opinion that the Executing Court has rightly struck-off the defence of the JD in the said Execution Application.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any infirmity, illegality, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being devoid of any merit, stands dismissed.

November 16, 2022

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No