

CR-486-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CR-486-2023

Date of decision: 04.05.2023

Pushpinder Singh

.....*Petitioner*

versus

Heera Singh

.....*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. R. K. Arya, Advocate for
Ms Sukhveer Kaur, Advocate
for the petitioner

-.-

Rajbir Sehrawat, J. (Oral)

1) The present revision petition has been filed under Article 227 of the Constitution of India, praying for setting aside the impugned order dated 06.09.2022 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Pathankot, whereby objection of the petitioner has been dismissed.

2) Perusal of the impugned order shows that in the suit filed for recovery of amount of Rs.90,000/-, the petitioner has suffered an *ex-parte* decree against him. Although the petitioner filed an application for setting aside the *ex parte* judgment and decree dated 26.09.2017, on 07.01.2020, however, till today even the petitioner has not come forward to prosecute the said application. No evidence has been led by the petitioner before the trial Court in the said application. Moreover, since the *ex parte* decree dated 26.09.2017 is a money decree, therefore, the same became enforceable

from the date, it was passed. The respondent has not committed any illegality in seeking execution of the said decree. The trial Court has also not gone wrong in law in any manner in rejecting the objections qua execution of the same.

3) Needless to say that the money decree cannot even be stayed by the appellate Court as such. In any case, even if the petitioner succeeds in getting the *ex parte* decree set aside and in getting the suit of the respondent dismissed, the petitioner can be compensated by ordering return of the money. Therefore, the present case is not even of such a nature; where the petitioner cannot be compensated later on; after execution of the decree.

4) In view of the above, this Court does not find any ground to interfere in the matter.

5) Resultantly, the present revision petition is dismissed.

(Rajbir Sehrawat)
Judge

May 04, 2023
mohan bimbura

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No