

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108+261)

CM-9720-CII-2023 in/and
CR-1556-2020 (O&M)
Date of Decision : May 25, 2023

Sher Singh and others

.. Petitioners

Versus

Sarja Singh (since deceased) through LR

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Jain, Senior Advocate, with
Mr. Varun Parkash, Advocate, for the petitioners.

Mr. Avnish Mittal, Advocate, for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-9720-CII-2023

Present application has been filed for placing on record the copy of judgment dated 08.04.2010 and copy of order dated 24.08.2015 as well as the photograph showing presence of the intending vendee as Annexures P-4 and P-5.

Notice of the application to the counsel opposite.

Mr. Avnish Mittal, Advocate, accepts notice on behalf of the respondent and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the above, the application is allowed and Annexures P-4 and P-5 are taken on record.

CR-1556-2020

1. Learned counsel for the parties agree that the decree sheet is to be prepared on the basis of the relief granted by the Court while adjudicating an issue and not on the basis of the relief claimed in the suit whereas, in the present case, the decree sheet which was prepared by the lower Appellate Court was on the basis of the relief claimed and not on the basis of the relief granted, hence, the decree sheet needed an amendment keeping in view the relief granted.

2. Learned counsel for the parties submits that the impugned order dated 25.11.2019 be set aside and the case be remanded back to the lower Appellate Court for passing an order afresh as to whether the decree sheet has been prepared as per the relief granted, which relief has been upheld upto the Hon'ble Supreme Court of India.

3. Keeping in view the joint request of learned counsel for the parties, the impugned order dated 25.11.2019 is set aside with liberty as prayed for.

4. The lower Appellate Court is directed to pass a fresh order as to whether the decree sheet prepared is in accordance with the relief granted, which relief has already attained finality upto the Hon'ble Supreme Court of India. In case, the lower Appellate Court comes to the conclusion that there needs to be a modification in the decree sheet, appropriate order be passed qua the same. Let the said issue be decided within a period of two months from the receipt of copy of this order, after hearing both the parties.

5. Parties are directed to appear before the lower Appellate Court on 10.07.2023.

6. The present civil revision petition is disposed of in above terms.

CM-2608-CII-2021

As the main civil revision petition has been disposed of, present application also stands disposed of.

May 25, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No