

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1951-2023(O&M)

Date of decision:-28.3.2023

Satish Kumar and others

...Petitioners

Versus

Smt.Dayawati and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ashish Grewal, Advocate
for the petitioners.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 18.1.2023 passed by the Court of Civil Judge (Jr.Divn.), Jagadhri vide which the objections filed by the revision petitioners had been dismissed.

2. Briefly stated, facts of the case are that petitioner Dayawati and another, had filed a rent petition against respondents Satish Kumar and others; that rent petition was accepted; the petitioners/landlords filed an execution application, wherein the respondents/JDs appeared and filed objections, which were resisted by the petitioners/decreed-holders and vide the impugned order the objections were dismissed. For ready reference, para No.4 of the impugned order is being reproduced as under:

4. Having heard both the learned counsels for the parties and having perused the record, I am of the considered opinion that there is no merit in the objections and same are liable to be dismissed. Undisputedly, the appeal filed by the JDs against

judgment and decree dated 03.01.2015 has already been dismissed by the learned Appellate Court vide judgment dated 09.05.2019 and there is no any regular second appeal filed by the JDs before the Hon'ble High Court against the aforesaid judgment dated 09.05.2019 and the perusal of aforesaid judgment transpires that all such objections taken by the JDs in the present execution-petition have already been adjudicated upon and discarded upto learned Appellate Court and the judgment dated 09.05.2019 has become final in view of no any RSA filed before the Hon'ble High Court against the said judgment. Despite being specifically asked to the JDs that if any RSA has been filed by them before the Hon'ble High Court against the judgment dated 09.05.2019, the same been denied by them. So, in such a scenario, the executing Court cannot go beyond the final judgment dated 09.05.2019 wherein, the aforesaid objections have already been discarded by the learned Appellate Court. As such, the JDs cannot re-agitate the matter before this Executing Court. Resultantly, the objections filed by them are completely devoid of merits and are liable to be dismissed being not at all maintainable in this execution-petition and the same are hereby dismissed accordingly.

3. Such order left the respondents/tenants aggrieved and they have approached this Court by way of filing the present revision petition

4. I have heard learned counsel for the revision petitioners besides going through the record and I find that there is absolutely no merit in the revision petition.

5. After losing the litigations before Rent Controller as well as the Appellate Court, the revision petitioners/tenants cannot be allowed to re-agitate the same grounds raised by them before learned Rent Controller and Appellate Court and which were considered and rejected by both the Courts. The objections were found to be nothing but repetition of the grounds so earlier taken by the respondents/tenants in the Courts below. The Executing Court was fully justified in dismissing those objections and proceeding further in the matter.

6. The impugned order passed by the Executing Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

7. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

28.3.2023
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No