

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

CR No. 1952 of 2023

DATE OF DECISION :- May 25, 2023

Sukhdev Singh

...Petitioner

Versus

Nishan Singh (deceased) through his Lrs.

...Respondents

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

Present:- Mr. Harchand Singh Bath, Advocate for the petitioner.

Ms. Oshin Swami, Advocate
for Mr. Lupil Gupta, Advocate for respondents.

1. When plaintiff decree holder Nishan Singh approached the Court of Civil Judge (Junior Division), Patti for execution of a decree for recovery of Rs.3,84,000/- then the JD put in appearance and filed objections contending that plaintiff has obtained the decree fraudulently in conspiracy with the process serving agency; the JD has already filed application under Order 9 Rule 13 CPC for setting aside ex-parte decree dated 17.11.2015, therefore, the execution application be dismissed.

2. The Executing Court vide impugned order had dismissed the objections observing that the Executing Court cannot go beyond the decree and such objections raised by the JD would be considered by the Court while disposing of the application under Order 9 Rule 13 CPC.

3. The JD has approached this Court by way of filing the present revision petition.

4. After hearing the learned counsel for the parties, I do not find any merit in the revision petition. The impugned order is quite detailed, well reasoned and does not suffer from any illegality or infirmity. I do not see any reason to interfere with such order while exercising the revisional jurisdiction.
5. The revision petition is dismissed accordingly.

(H.S. MADAAN)
JUDGE

May 25, 2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No