

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2727-2023 (O&M)

Date of Decision : 03.05.2023

Smt. Chander Bala

....Petitioner

VERSUS

Arun Sharma (since deceased) through LR and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.K. Choudhary, Advocate for the petitioner.

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ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the order dated 25.04.2023 whereby the objections filed by the petitioner have been dismissed.

2. It is the contention of learned counsel for the petitioner that earlier the execution was filed by the father of respondent No.1 and the same was dismissed for want of prosecution under Order 9 Rule 8 CPC vide order dated 13.05.2022. Thereafter, the present execution application was filed by respondent No.1 claiming herself to be the only legal representative of deceased - Arun Sharma, the decree-holder. The petitioner herein filed objections inter alia raising the objection that respondent No.1 was not the legal heir of the deceased - Arun Sharma, the decree-holder. The Executing Court dismissed the objections vide order dated 21.02.2023 without adverting to the objections raised by the petitioner qua respondent No.1 not being the legal representative of the deceased - Arun Sharma, the decree-holder. Aggrieved by the order dated 21.02.2023, Civil Revision No.1547-

2023 was preferred in this Court which was disposed off vide order dated 29.03.2023 wherein the Executing Court was directed to deal with the objection that respondent No.1, Gauri Sharma, is not the LR of the deceased - Arun Sharma, the decree-holder. Vide the impugned detailed order dated 25.04.2023 the objections have been dismissed. In para No.16, the Executing Court has held as under :

“16. So far as objection taken by Ld. Counsel for applicant that the present decree holder has no locus to file the present execution petition unless he proves relationship with the deceased Mr. Arun Sharma is concerned, this objection also does not carry any weight in the eyes of law because the decree holder has placed on file the document Aadhar Card, passport and her certificate of secondary examination proving her relationship with deceased DH Arun Sharma and she is the only daughter of Mr. Arun Sharma. Otherwise also, if there was any objection could bring the name of that person or the aggrieved person claiming himself to be LR of Arun Sharma could approach the Court. Even the learned counsel for DH also produced the original documents for perusal of the Court.”

3. Learned counsel for the petitioner would contend that the objection of the petitioner that Gauri Sharma, is not the LR of the deceased - Arun Sharma, the decree-holder, has still not been dealt with by the

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Executing Court while passing the impugned order despite the directions given by this Court vide order dated 29.03.2023 passed in CR-1547-2023.

4. Heard.

5. Vide the impugned order the Executing Court has in detail dealt with the objections raised by the petitioner herein. The respondent No.1 had placed on record her Aadhar Card, Passport and her certificate of secondary examination proving her relationship with the deceased - Arun Sharma, the decree-holder, and that she was his only daughter. The petitioner herein has not produced any document to the contrary either before the Executing Court or before this Court to show that the deceased - Arun Sharma, the decree-holder, had any other legal heir or that the documents presented by the respondent No.1, Gauri Sharma, were forged or fabricated in any manner. No other argument has been raised.

6. In view of the above and in view of the fact that respondent No.1 has produced sufficient documentary evidence to show her relationship with the deceased - Arun Sharma, the decree-holder, the objections have rightly been dismissed vide the impugned order dated 25.04.2023. There is no illegality or irregularity or error of jurisdiction in the impugned order.

7. In view of the above, I do not find any merit in the present revision petition which is dismissed. Pending applications, if any, also stand disposed off.

May 03, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO