

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
113 **CR-3284-2023 (O&M)**
Date of decision: 26.05.2023

Sant Ram

...Petitioner(s)

Vs.

Kundan Singh (since deceased) through LRs & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Jagjit Singh, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the judgment debtor against order dated 12.05.2023 (Annexure P6) passed by learned Additional Civil Judge (Senior Division), Sultanpur Lodhi, District Kapurthala whereby objections filed by the petitioner in Execution Petition No.50 of 2019 filed by respondent No.1/decree-holder, have been dismissed.

2. Brief facts of the case are that plaintiff/respondent No.1 herein had filed a Civil Suit for possession of the plot/house as described in the head note of the plaint. Vide order dated 07.11.2008 (Annexure P1), the learned trial Court had dismissed the said Suit. Appeal filed by respondent No.1 was allowed by learned First Appellate Court vide judgment and decree dated 08.03.2010 (Annexure P2). The petitioner filed RSA No.3332 of 2010 before this Court which was dismissed vide order dated 26.02.2019 (Annexure P3). Consequentially, respondent No.1/plaintiff/decree holder filed present execution petition No.50 of 2019

before learned Civil Court (Senior Division), Sultanpur Lodhi, District Kapurthala, in which the petitioner filed present objection petition on 15.03.2022 (Annexure P5).

3. Learned counsel for the petitioner is unable to deny that present objections (Annexure P5) filed by the petitioner in Execution Petition are identical to the grounds/objections taken by the petitioner at the time of appeal; and the same stand duly decided/rejected vide judgment and decree dated 08.03.2010 which is under execution. Admittedly, learned Executing Court cannot go beyond the judgment and decree dated 08.03.2010 and therefore, correctly found that there was no merit in the objections filed by the petitioner.

4. Accordingly, I find no ground is made out to exercise the revisional jurisdiction of this Court.

5. **Dismissed.**

6. Pending application(s) if any also stand(s) disposed of.

26.05.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No