

CR-3213-2023
Date of Decision: 22.05.2023

Versus

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

This is a petition filed under Article 227 of the Constitution of India praying for setting aside the impugned order dated 12.04.2023 passed by the Civil Judge (Junior Division), Ludhiana, whereby the objections filed by the petitioners has been dismissed and the petitioners have been directed to execute the sale deed in respect of the demised premises in favour of the respondent/decreed holder.

Undisputedly, the decree under execution was passed way back in the year 2012. The present petitioners, who happened to be the legal representatives of the judgment debtor, claim to have filed objections against the execution of the decree. Although, there is no provision for filing objections by the judgment debtor, however, the petitioners claim that the judgment debtor herself was proceeded against *ex parte* in the main suit and that the application for setting aside the *ex parte* judgment and decree was

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filed by the judgment debtor, therefore, the execution should not have been proceeded further till decision of that application. However, the record shows that even the said application was dismissed in default. Therefore, there was absolutely no ground for the Executing Court to stop the execution of a 12 years old decree. The Executing Court has rightly passed the impugned order dated 12.04.2023.

Accordingly, finding no illegality or perversity in the impugned order dated 12.04.2023 passed by the Executing Court, the present revision petition is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

22.05.2023
adhikari

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