

2023:PHHC:133069
**149 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-2894-2022 (O&M)
Date of decision: 12.10.2023

Dharam Pal

....Petitioner

Versus

Devi Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Amit Jain, Advocate for the petitioner
Mr. Sunil Kumar Rana, Advocate for
respondent no.1 and 2
Mr. B.K.Bagri, Advocate for respondent no.3 to 7
Ms. Vibha Tewari, AAG, Haryana
for respondent no.8 and 9

ANIL KSHETARPAL, J (Oral)

1. Short reply on behalf of the respondent no.8 has been filed in the Court today and the same is taken on record.

2. The petitioner herein claims to be the decree-holder. His suit for the grant of the decree of permanent injunction was decreed. The petitioner's execution petition is pending before the Executing Court. Through this revision petition, the petitioner assails the correctness of the interim orders passed by the Executing Court on 16.02.2022, 16.03.2022 and 04.05.2022. In the order dated 16.03.2022, the court has adjourned the case so as to enable Om Parkash to file objections. On 04.05.2022, the objections have been taken on record and an opportunity was given to the petitioner to file reply.

3. Learned counsel representing the petitioner contends that previous objection filed by the same objector namely Om Parkash has already been dismissed against which an appeal is pending. He submits that the second objection petition filed by Om Parkash is not maintainable.

4. This Court has considered the submissions made by the learned counsel representing the parties. The petitioner has only been granted an opportunity to file reply to the objection petition. The petitioner can always request the Executing Court to dismiss the objection petition on all the grounds, which are available to him, however, at this stage, it would not be appropriate to entertain a revision petition and hold that second objection petition is not maintainable. Let the petitioner file reply to the objection petition and request the Executing Court to pass the appropriate order on the aforesaid objections. Thereafter, the petitioner, if so advised, may avail his remedy.

5. Disposed of.

6. All the pending miscellaneous applications, if any, are also disposed of.

12.10.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE