

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

**CR No.4983 of 2022 (O&M)
Date of Decision: 23.01.2023**

Nafe Singh

...Petitioner

Versus

Ragbir Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. M.K. Mittal, Advocate
for the petitioner.

* * * * *

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision petition, the petitioner has laid challenge to the order dated 08.08.2022 (Annexure P-5) passed by learned Civil Judge (Junior Division), Charkhi Dadri (for short 'the Executing Court'), whereby the Objections, preferred by him, have been rejected.

2. Bereft of unnecessary details, the facts culminating in the filing of the present revision petition, are that vide the judgment and decree dated 24.02.2020, the Civil Suit filed by the respondent-plaintiff/Decree-Holder (here-in-after to be referred as 'the DH') against the petitioner-defendant/Judgment-Debtor (here-in-after to be referred as 'the JD') for seeking the decree for recovery of the amount of Rs. (05) five lac had been decreed. The DH filed an Execution Application in respect thereof and the JD filed the Objections Annexure P-2 therein, challenging the calculation

of the decretal amount by the trial Court and also seeking permission to pay the said amount in instalments and the same have been rejected by the Executing Court vide the impugned order.

3. I have heard learned counsel for the JD in the instant revision petition, at the preliminary stage and have also perused the file carefully.

4. Learned counsel for the JD contends that the trial Court has wrongly calculated the decretal amount and moreover, out of the said amount, the JD has already paid a sum of Rs.4,20,000/- to the DH till date and he is ready and willing to pay the balance amount in instalments and even the property, as ordered to be attached, also does not exclusively belong to the JD and in these circumstances, the impugned order is not legally sustainable and hence, the same deserves to be set-aside.

5. However, the afore-raised contentions are devoid of any merit because as regards the alleged wrong calculation of the decretal amount by the trial Court, it is well settled that the Executing Court cannot go beyond the judgment and decree sought to be executed and during the course of the arguments, learned counsel for the JD has informed this Court that the JD did not file any appeal to seek the redressal of his above-alleged grievance.

6. So far as the prayer made by the JD to allow him to pay the remaining decretal amount in instalments is concerned, it is worth-while to mention here that the Executing Court has categorically observed in the impugned order that the amount had been advanced to the JD about eight (08) years ago and its entire realization is yet to be effected. It being so, this Court is also not inclined to accept the afore-said prayer of the JD.

7. Lastly, as regards the contention qua the ownership over the property ordered to be attached for the purpose of realization of the balance decretal amount, it is again pertinent to point it out here that vide the impugned order, the Executing Court has directed that the given property, if owned by the JD, be attached. However, the JD has not placed any cogent material on the file to show that the property, if any, attached in pursuance of the said order, does not exclusively belong to him.

8. In view of the fore-going discussion, this Court is of the considered opinion that the impugned order (Annexure P-5) does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

23.01.2023
neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*