

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

CR No.32 of 2024

Date of Decision: 08.01.2024

Dalipa (since deceased) through his LR

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Aditya Dassaur, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision-petition, the petitioner-Decree Holder (here-in-after to be referred as 'the DH') has invoked the jurisdiction of this Court under Article 227 of the Constitution of India, to lay challenge to the order (Annexure P-6) as passed by learned Additional Civil Judge (Senior Division), Sri Anandpur Sahib, District Roopnagar (for short 'the Executing Court') on 04.12.2023 in *Execution Petition No.7 of 2020* titled as '*Dalipa (since deceased) through his LRs vs. State of Punjab and others*', whereby his evidence has been closed while observing that he had already availed 14 effective opportunities to conclude the same.

2. I have heard learned counsel for the petitioner-DH in the present revision-petition, at the preliminary stage and have perused the file carefully.

3. Learned counsel for the DH contends that the DH could not conclude his evidence well in time due to his illness but the Executing Court has not taken the above-said fact into consideration while closing his evidence

vide the impugned order and therefore, the said order is not legally sustainable and hence, the same deserves to be set-aside.

4. However, the afore-raised contention does not hold much water because a bare perusal of Annexure P-7, i.e the copy of the medical-record of the DH, reveals that though he had been getting the treatment as described therein but throughout in this record, it has nowhere been mentioned that he had ever been advised the complete bed rest, so as to draw an inference to the effect that he was unable to pursue the said Execution Petition on account of having remained confined to bed. Moreover, a perusal of the file reveals that the issues were framed in the above-referred Execution Petition on 30.05.2023 and thereafter, as categorically mentioned in the impugned order, the DH had availed as many as 14 (fourteen) effective opportunities for concluding his evidence and the same, in the considered opinion of this Court, are more than sufficient.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

08.01.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No