

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Revision No.998 of 2024 (O&M)
Date of Decision: 15.05.2024

Sukhdev Singh
...Revisionist-Petitioner
Versus
Gurmeet Kaur & others
...Respondents

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

Present:- Ms. Neha Randhawa, Advocate appearing for
Mr. Armaan Gagneja, Advocate
for the revisionist-petitioner.

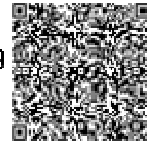
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MEENAKSHI I. MEHTA, J. (ORAL)

Feeling aggrieved by the order passed by learned Civil Judge (Senior Division), Sangrur (for short 'the Executing Court') on 31.01.2024 in *Execution Petition No.25 of 2020* titled as '*Gurmeet Kaur etc versus Sukhdev Singh*', whereby the Objection Petition moved by the petitioner/Judgement-Debtor (herein-in-after to be referred as 'the JD') has been dismissed, he (JD) has chosen to prefer the instant revision-petition to lay challenge to the same.

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

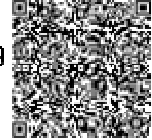
3. Learned counsel appearing for the JD contends that the JD had already paid the decretal amount to respondent No.2 named Harjinder Kaur,



one of the respondents/Decree-Holders and she had executed the receipts, Exhibited as JDW1/A and JDW1/B, to acknowledge this payment but she did not even step into the witness-box to deny the afore-said facts and the Executing Court has gravely erred in ignoring the above-discussed material and crucial aspects of the matter and has wrongly dismissed the objection petition and thus, it becomes explicit that the impugned order is not legally sustainable and hence, the same is liable to be set-aside.

4. However, the afore-raised contentions do not hold much water because a perusal of Annexure P-1, i.e the copy of the order passed by the Presiding Officer, National Lok Adalat, Sangrur on 22.04.2018, reveals that the Suit filed by Baldev Singh, the predecessor-in-interest of the Decree-Holders, against the JD, had been decided on the basis of the compromise, arrived at between the parties. There is nothing on the file to explain/show as to under what circumstances, the JD had decided to pay the entire decretal amount to only one of the Decree-Holders, i.e Harjinder Kaur, without even informing and obtaining the consent of the remaining Decree-Holders and as to why he had chosen to make the alleged payment to her, without resorting to the safer course, i.e bank transaction, for the above-said purpose.

5. Further, it is also pertinent to mention here that while returning its findings on issue No.1, framed for the adjudication of the afore-referred objection petition, the Executing Court has categorically observed that the Hand-Writing and Finger-Print Expert, who had compared the disputed signatures of said Harjinder Kaur with her specimen signatures and had been examined by the Decree-Holders as DHW-2 in their evidence, had opined in



his report Exhibit DHW2/1 that her disputed signatures, as appearing on the above-mentioned receipts, were the product of copied forgery. The JD has not examined any such expert as his witness, so as to falsify/rebut the afore-discussed report/opinion and to prove to the contrary. It being so, the factum of non-examination of Harjinder Kaur as witness, pales into insignificance.

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

May 15, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No