

In the High Court of Punjab and Haryana, at Chandigarh

**1. Review Application No. RS-20 of 2022 (O&M)
In Regular Second Appeal No. 1537 of 2013**

Manmohan Lal
... Appellant(s)

Versus

Amrit Pal Singh and Another
... Respondent(s)

AND

**2. Review Application No. RS-21 of 2022 (O&M)
In Regular Second Appeal No. 1538 of 2013**

Manmohan Lal and Another
... Appellant(s)

Versus

Amrit Pal Singh and Others
... Respondent(s)

DATE OF DECISION: 29.01.2024

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Harbans Singh Sidhu and
Mr. Harvinder Singh Maan, Advocates
for the applicant/respondent No.1.

Anil Kshetarpal, J.

CM-4297-C-2022 IN RA-RS-20-2022

1. For the reasons stated in the application, the same is allowed
and delay of 37 days in filing the review application is condoned.

CM-4299-C-2022 IN RA-RS-21-2022

2. For the reasons stated in the application, the same is allowed

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And Another Connected Case.**

and delay of 37 days in filing the review application is condoned.

RA-RS-20-2022 And RA-RS-21-2022

3. Two connected regular second appeals were disposed of vide order dated 15.01.2020. The applicant/respondent No.1-Amrit Pal Singh has filed Special Leave Petition (Civil) No. 2119 of 2022, which was disposed of with the following order:-

“Learned counsel for the petitioner seeks permission to withdraw the special leave petition with liberty to file a review in the High Court. The special leave petition is dismissed as withdrawn with liberty to file a review. We also reserve liberty to the petitioner to approach this Court against the impugned order if the decision in the review is adverse to the petitioner.”

4. Thereafter, these two review applications have been filed by the respondent No.1-Amrit Pal Singh.

5. The learned counsel for the review applicant submits that the judgment dated 15.01.2020 suffers from the following two errors:-

- i) The facts have been noticed only from one case and not from the second one.
- ii) The Court has held that the decretal amount can be recovered only from the estate left behind by the judgment debtors and not from his legal representatives.

6. On a Court question, the learned counsel representing the review applicant submits that in one case, the borrower is Manmohan Lal, whereas in the second case, the borrower is Amrit Lal. In both the cases, the creditor is Amrit Pal Singh and the suit for recovery was decreed. The

judgment debtors have filed two separate appeals. Both the appeals were

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dismissed. When the case was heard and finally decided, the learned counsel representing the parties did not object to the disposal of the appeals by a common order.

7. Keeping in view the aforesaid facts, there is substance in the first objection of the learned counsel representing the review applicant.

8. With respect to the second objection, it shall be noticed that the Court has already held that the decretal amount can be recovered from the estate left behind by the judgment debtors. The legal heirs, in the absence of having inherited the property from their predecessor, are not personally liable.

9. Keeping in view the aforesaid facts and discussion, no ground is made out to review the order dated 15.01.2020. Hence, both the review applications are dismissed accordingly.

10. The miscellaneous application(s) pending, if any, in both the review applications, shall stand disposed of.

(Anil Kshetarpal)
Judge

January 29, 2024
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No