

2024:PHHC:070696



209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.	SAO-28-2007(O&M)
Food Corporation of India	...Appellant
	Vs.
Avtar Singh (deceased) through his legal representatives and others	...Respondents
2.	SAO-29-2007(O&M)
Food Corporation of India	...Appellant
	Vs.
Avtar Singh (deceased) through his legal representatives and others	...Respondents

Present: Mr. K.K. Gupta, Advocate
for the appellant.

Mr. Nishant Maini, Advocate
for the respondents.

1. With the consent of the learned counsel representing the parties, these two connected second appeals against the order passed by the First Appellate Court remitting the case back to the Executing Court shall dispose of by this common order.
2. Two different suits filed by Food Corporation of India for recovery of Rs. 32,038.78 p and Rs.1,88,512.77 p were decreed on 31.08.1991 and 05.09.1991, respectively.



3. During the pendency of the execution petition, Sh. Ajit Singh died. On application filed by the decree-holder, Sh. Avtar Singh, Sh. Devinder Singh, Sh. Jagdev Singh, Sh. Harmohinder Singh alias Harinder Singh and Sh. Sukhwinder Singh were brought on record as the legal representatives of Sh. Ajit Singh. They filed the objections claiming that they are not sons of Sh. Ajit Singh but are sons of Sh. Jagdish Singh. The trial Court dismissed the objection petition while relying upon the judgment passed by the trial Court on 06.11.1986. The First Appellate Court held that such dispute should have been decided only after settling the issues and permitting the parties to lead evidence. The correctness of such order is being challenged in these revision petitions.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

5. Learned counsel representing the appellants submits that from the reading of the judgment passed on 06.11.1986, it becomes evident that the second name of Sh. Ajit Singh was Sh. Jagdish Singh and he was one and the same person.

6. This Court has considered the submissions made by the learned counsel for the parties.

7. The aforesaid judgment has been passed on the basis of concession given by the defendant. A short order has been passed by the Court while decreeing the plaintiffs' suit. Moreover, this judgment is required to be proved in evidence.

8. Keeping in view the aforesaid facts, the appeals are dismissed.

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However, the Executing Court is directed to call upon the parties to lead evidence on the following issues:-

‘Whether Sh. Ajit Singh was also known as Sh. Jagdish Singh and the objectors are his sons.’

9. The Executing Court is directed to decide the objections preferably within a period of six months. The parties through their counsel are directed to appear before the Executing Court on 31.05.2024.

17.05.2024	(ANIL KSHETARPAL)	
neeraj	JUDGE	
Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No