

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

118

CR No.5703 of 2023
Date of Decision : 13.03.2024

Ravinder KumarPetitioner

VERSUS

State of Haryana and OthersRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Singal, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed for setting aside the order dated 27.07.2023 whereby the execution application filed by the petitioner seeking implementation of the judgment dated 10.05.2013 has been dismissed.
2. Learned counsel for the petitioner would contend that vide judgment dated 10.05.2013 direction was given for deciding the representation of the petitioner herein in the light of the judgment of a Full Bench of this Court in the case of **Krishna Kumari vs. State of Haryana & Ors. [2012(2) RSJ 473]** within a period of three months. It is further the contention that though the representation stands decided, however, vide letter dated 09.09.2019 an ex-gratia financial assistance to the tune of Rs.2,50,000/- has been offered to the petitioner. Learned counsel would further contend that the Executing Court has erred in dismissing the execution application. It has further been contended by learned counsel for

the petitioner that only an ex-gratia financial assistance to the tune of Rs.2,50,000/- has been granted, however, the same should be Rs.5,00,000/- in view of the law laid down in the case of **Krishna Kumari** (supra).

3. Heard.

4. In the present case vide judgment dated 10.05.2013 the Court held as under :

“7. In view of the above statement of learned counsel for the plaintiff/appellant, the present appeal is disposed of with a direction to the defendants/respondents to decide the representation of the plaintiff/appellant in the light of case law Krishna Kumari versus State of Haryana and Others, 2012 (2) RSJ 473 within three months from today. A copy of this order along with trial Court record be sent back and appeal file be consigned to the record room after due compliance.”

5. Subsequently, the representation stood decided and an ex-gratia financial assistance to the tune of Rs.2,50,000/- was granted to the petitioner herein. The petitioner filed an execution application, which was dismissed by the Executing Court vide order dated 27.07.2023. The argument of learned counsel for the petitioner that the execution petition was maintainable is totally misplaced. The only direction given by the Court vide judgment dated 10.05.2013 was to decide the representation. Undisputedly the representation stands decided. The argument of learned counsel for the petitioner that an amount of Rs.5,00,000/- should have been granted in view

of the law laid down in case of **Krishna Kumari** (supra) cannot be accepted. Rightly or wrongly the representation stands decided. It is not for the Executing Court to go behind the decree. Infact, the Executing Court has categorically held that the direction as given by the Court vide judgment dated 10.05.2013 stands duly complied with. It was observed by the Executing Court as under :

“12. Consequent to above discussion, no ground is made out to proceed ahead with this execution. In light of settled legal proposition, DH is not entitled for the benefit of compassionate appointment though he and his mother can get Rs.2,50,000/- of financial assistance from JDs as has been offered by them. Hence objections are sustained. Same are allowed and execution stands dismissed. File be consigned to record-room after due compliance.”

6. In view of the above, I do not find any illegality or infirmity in the impugned order passed by the Executing Court. The present revision being devoid of any merits is accordingly dismissed. Pending applications, if any, also stand disposed off.

13.03.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO