



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

Civil Revision No. 4214 of 2015 (O&M)

Date of Decision: 29.08.2025

Vijay Kumar Goyal (now deceased) through LRs

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioners-Decree Holder.

Mr. Gunjan Mehta, Additional Advocate General, Punjab
for respondent Nos. 1 & 4.

Mr. Animesh Sharma, Advocate with
Ms. Shuchi Sodhi, Advocate
for respondent Nos. 2 & 3-Arya Girls Higher Secondary School, Patiala.

HARKESH MANUJA, J. (ORAL)

The petitioners-legal representatives of plaintiff-Vijay Kumar Goyal (Decree Holder), who unfortunately died on 25.04.2011, seek quashing of an order dated 23.04.2015 (Annexure P-9) passed by learned Civil Judge (Junior Division), Patiala (**hereinafter referred to as “Executing Court”**), whereby their execution application for fresh calculation, was dismissed.

[2] Learned counsel for the parties have been heard.

[3] Short dispute raised in the present case is an offshoot of an execution petition preferred towards enforcement of the judgment and decree dated 29.04.1995 passed by the learned Sub Judge, Second Class, Patiala,

whereby the termination order dated 01.11.1991 against the predecessor-in-interest of the petitioner was set aside. The said decree became final upto the Hon'ble Supreme Court vide decision dated 14.12.2001 passed in *SLP (Civil) Nos. 9800-9801 of 2001* preferred at the instance of respondent No. 3.

[4] The dispute which needs to be addressed is that as to whether the plaintiff-Decree Holder-Vijay Kumar Goyal (since deceased) was never made to join/reinstate in terms of the decree passed in his favour and was thus entitled for the service benefits for the period w.e.f. 2002 to 2011. Both the parties in the present revision petition have relied upon various documents to support their stand, however, those need to be tested and scrutinized by the Executing Court after affording opportunity of leading evidence to both the sides while permitting them to cross-examination the witnesses so as to test the veracity of such documents. No such procedure has been adopted by the learned Executing Court.

[5] In view thereof, the order dated 23.04.2015 (Annexure P-9) passed by the learned Executing Court, is hereby set aside. In exercise of powers under Section 47 of The Code of Civil Procedure, 1908, the Executing Court is requested to adjudicate upon the aforementioned issue after affording opportunity to both the sides to lead their evidence. The parties are directed to appear before the Executing Court on **15th September, 2025**.

[6] **Disposed off** accordingly.

[7] Considering the fact that the dispute relates back to the year 1991, learned Executing Court is requested to adjudicate upon the

proceedings, as expeditiously as possible, preferably within three months by affording two opportunities each to both the sides.

[8] Since, the main case itself has been decided / disposed off, no orders are required to be passed in the pending miscellaneous applications and the same stand disposed off.

August 29, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>