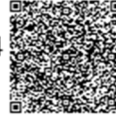
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****115****CR-4154-2025(O&M)****Date of decision: 11.07.2025****Jasmer Singh****...Petitioner(s)****Vs.****Sharanjit Kaur & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. B.D. Sharma, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the judgment debtor No.2 under Article 227 of the Constitution of India for setting aside the impugned order dated 07.05.2025 (Annexure P4) passed by learned Additional Sessions Judge, Amritsar whereby the application of the respondents for restoration of the execution petition has been allowed.

2. It is submitted by learned counsel for the petitioner that the Execution Petition was dismissed for non-prosecution vide order dated 13.09.2018. The application for restoration of the Execution Petition was filed by the respondent/decreed holder on 05.03.2019. However, the same was not accompanied with any application for condonation of delay. Yet, the learned Executing Court has allowed the restoration on the spurious reasoning that delay of about 5-6 months in filing restoration is not excessive as people



often do not communicate for such periods with their advocates. Learned counsel submits that the same could not have been done. The impugned order therefore, suffers from material error and cannot be sustained. It is accordingly prayed that the present petition be allowed.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel for the petitioner and perused the case file in great detail.

5. Brief facts of the case are that the Award dated 03.02.2007 was passed by the learned Motor Accident Claims Tribunal, Amritsar against two judgment debtors being Balwinder Singh and the present petitioner/judgment debtor No.2 namely Jasmer Singh. Execution Petition was filed by the respondents/decreed holders in the year 2017 only against the present petitioner. The same was dismissed for non-prosecution vide order dated 13.09.2018 (Annexure P1) on the ground that the respondents failed to submit the list of properties of the petitioner. After about 6 months, the respondents filed an application dated 05.03.2019 (Annexure P2) for restoration of the Execution Petition. Vide impugned order dated 07.05.2025 (Annexure P4), the said application was allowed.

6. No doubt, the restoration application was not accompanied by any application for condonation of delay, however, there was only 5-6 months' delay in filing of application for restoration and that cogent reasons were given by the respondents explaining the said delay. The



delay had been adequately explained by the decree holder/applicants by stating that previous counsel had not informed them about the dismissal of the Execution Petition and immediately upon knowledge, application for restoration was filed through new counsel. Moreover, in condoning the delay, learned Executing Court has reasoned that period of limitation is to be reckoned from date of knowledge and not from date of actual dismissal. In holding so, learned Executing Court has relied upon extensive case law, which is not controverted by learned counsel for the petitioner. Even otherwise, in the larger interest of justice, I find no ground is made out to interfere in the impugned order.

7. In view of the above, present petition is **dismissed**.
8. Pending application(s) if any also stand(s) disposed of.

11.07.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No