

(2011) 03 P&H CK 0355

High Court Of Punjab And Haryana At Chandigarh

Case No: CR No. 6962 of 2010 (O and M)

Rajinder Singh

APPELLANT

Vs

Joginder Singh and Others

RESPONDENT

Date of Decision: March 31, 2011

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Section 151
- Constitution of India, 1950 - Article 227

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Judgement

Ram Chand Gupta, J.

The present revision petition has been filed under Article 227 of the Constitution of India read with Section 151 of the CPC for setting aside orders dated 17.1.2009 and 12.12.2009 (Annexures P-3 & P-4 respectively) passed by learned Civil Judge (Senior Division), Sonapat and order dated 30.9.2010 (Annexure P-5) passed by learned Additional District Judge, Sonapat.

2. I have heard learned Counsel for the parties and have gone through the whole record carefully including the impugned orders passed by learned trial court as well as the first appellate court.

3. It has been contended by learned Counsel for the Petitioner that objection petition filed by the Petitioner has not been decided so far and however, warrant of possession was issued.

4. This Court while issuing notice of motion on 26.10.2010 passed the following order:

Heard.

It has been submitted by the learned Counsel for the Petitioner that the objection petition filed by the Petitioner has still not been decided by the executing court and

that he had a good cause for not appearing when the objection petition was called.

Even if the ex-party proceedings have not been set aside against the Petitioner, he could have joined the proceedings at any stage and as such the executing court was required to decide the objection petition.

Notice of motion for 9.12.2010.

In the meanwhile, the warrant of possession shall not be executed in respect of the plot of the Petitioner bearing Plot No. 168.

5. It has been contended by learned Counsel for Respondent No. 1 that he is having no objection if the executing court is directed to decide the objection petition of the Petitioner on merit and however, it is further contended that Petitioner is adopting delaying tactics and a decree dated 19.3.1986 has not been executed so far, though the execution petition was filed on 30.10.1999.

6. Hence, in view of these facts, the present revision petition is disposed of with a direction to learned executing court to decide the objection petition filed by the Petitioner expeditiously and efforts be made to decide the same within three months from the date of receipt of the certified copy of this order.