

(2012) 03 P&H CK 0138

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 898 of 2010

Sukhdev Singh

APPELLANT

Vs

Bhura Singh

RESPONDENT

Date of Decision: March 27, 2012

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Section 60
- Constitution of India, 1950 - Article 227

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Advocate: Sameer Sachdeva, for the Appellant; K.S. Sidhu, for the Respondent

Final Decision: Dismissed

Judgement

L.N. Mittal, J.

Judgment-debtor Sukhdev Singh has filed this revision petition under Article 227 of the Constitution of India assailing order dated 14.10.2009 (Annexure P5) and order dated 6.1.2007 (Annexure P3) passed by the Executing Court, i.e., learned Civil Judge (Senior Division) Bathinda, thereby dismissing objections of judgment-debtor/petitioner against attachment of his house. In execution of money decree passed in favour of respondent Bhura Singh decree-holder, house of petitioner/judgment-debtor was attached. Petitioner filed objections alleging that the house being his residential house is exempted from attachment u/s 60 of the Code of Civil Procedure(in short, "CPC"). The said objections dated 24.2.2006 (Annexure P2) were dismissed by the Executing Court vide order dated 6.1.2007 (Annexure P3). Instead of challenging the said order (Annexure P3), the petitioner filed another objection petition dated 11.9.2009 (Annexure P4) on the same ground. The said objection petition has been dismissed by the Executing Court vide order dated 14.10.2009 (Annexure P5).

2. I have heard Learned Counsel for the parties and perused the case file.

3. Learned Counsel for the petitioner contended that the attached house being the only residential house of the petitioner is exempted from attachment u/s 60 CPC. The contention cannot be accepted in the facts and circumstances of the instant case. Objection petition dated 24.2.2006 (Annexure P2) to this effect was dismissed by the Executing Court vide order dated 6.1.2007 (Annexure P3). The said order remained unchallenged till filing of the instant revision petition dated 18.1.2010, i.e., for 3 years. On the other hand, petitioner filed another objection petition dated 11.9.2009 (Annexure P4) on the same ground. The said second objection petition was not maintainable in view of dismissal of earlier objection petition. Consequently, the said second objection petition was rightly dismissed by the Executing Court vide order (Annexure P5). Consequently, there is no infirmity much less legality, perversity or jurisdictional error in the impugned order (Annexure P5) so as to warrant interference by this Court in exercise of revisional jurisdiction under Article 227 of the Constitution of India.

4. As regards order dated 6.1.2007 (Annexure P3), the same cannot be challenged in this revision petition dated 18.1.2010. The instant revision petition qua the said order is barred by delay and laches. In fact order (Annexure P3) had attained finality, having not been challenged by the petitioner. However, to create a ground for challenging the said order, the petitioner resorted to abuse of process of the Court by filing second objection petition (Annexure P4) although his earlier objection petition (Annexure P2) on the same ground already stood dismissed. For the reasons aforesaid, I find no merit in the revision petition which is accordingly dismissed.