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Court : Punjab and Haryana

Decided On : Apr-29-2013

Appellant : “no Ground Is Made out for Interference in the

Respondent : Sandeep Sharma and ors.

Judgement :

C.R.No.2696 o

1. IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH C.R.No.2696 of 2013 (O&M) Date of decision :

29. 04.2013 Subhash Kumar Sharma ....Petitioner V/s Sandeep Sharma & ors....Respondents BEFORE : HON'BLE Mr.JUSTICE RAJAN GUPTA Present: Mr.Kunal Mulwani, Advocate for the petitioner.

RAJAN GUPTA J.

(ORAL) Present revision petition is directed against the order passed by Civil Judge (Sr.Division).Mohali whereby application filed by judgment debtor for dismissing the execution petition being beyond limitation has been rejected.

Learned counsel for the petitioner has argued that order is unsustainable.

The appellant never furnished an undertaking pursuant to order passed in Rs.No.4479 of 2010.

Thus, he was entitled to raise the plea that the execution petition was beyond limitation.

I have heard learned counsel for the petitioner.

It appears that suit was filed by decree-holder seeking a mandatory injunction to direct the judgment debtor to vacate the portion of house No.359, Phase VI, Mohali.

This suit was decreed by the civil court and judgment was upheld by the appellate court at Mohali.

Petitioner challenged the findings before this court in C.R.No.2696 o

2. Rs.No.4479 of 2010.

Same was dismissed on May 24, 2011 observing as follows:- No ground is made out for interference in the concurrent finding of fact.

The appeal is dismissed.

However, the appellant is granted six months time to hand over the vacant possession of the portion of House No.359, Phase VI, SAS Nagar, Mohali, to the plaintiff- respondent.

The defendant-appellant will furnish an undertaking to this effect before the executing Court to hand over the vacant possession after a period of six months to get the benefit of time granted by this Court.

Admittedly, petitioner never furnished an undertaking as directed by this court.

On the other hand, he moved an application for dismissal of the execution petition.

I find no merit in the plea of the counsel for the petitioner that the execution petition is beyond limitation.

Revision petition is without any merit and is hereby dismissed.

April 29, 2013 (RAJAN GUPTA) Ajay JUDGE

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