

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR No. 5715 of 2025****DATE OF DECISION :- 01.09.2025****Ragbir Singh****...Petitioner****Versus****Savitri Devi and others****...Respondents****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL****Present:-** Mr. Naveen Batra, Advocate for the petitioner.*********VIRINDER AGGARWAL, J. (Oral)**

1. Petitioner filed this revision petition under Article 227 of the Constitution of India assailing the order dated 19.05.2025 vide which the objection petition filed by the petitioner was dismissed.
2. The order has been assailed on the grounds that the Executing Court has failed to appreciate that the petitioner has deposited his share out of the decretal amount and after dismissal of the execution petition vide order dated 11.10.2023 the fresh execution petition is not maintainable and the execution petition is barred by resjudicata.
3. In a decree against the petitioner and JD Sukha @ Sukhpal petitioner deposited one half share amounting to Rs.4,83,000/- and made a statement that he be discharged from his liability of the execution. The Executing Court vide order dated 11.10.2023 disposed of the execution petition for the time being with liberty to decree holder to file fresh application as and when any property of JD No. 1 is found by the decree holder and the proceedings of the execution were kept intact. Subsequently



decree holders filed fresh execution petition. Petitioner JD No. 2 filed objection petition against maintainability of the execution petition against him on the grounds that he has already deposited his share of the decretal amount and vide impugned order his objection petition was dismissed.

4. I have heard learned counsel for the petitioner and gone through the order passed by the learned Executing Court.

5. The learned Executing Court has not committed any material illegality or perversity in its exercise of jurisdiction vested in it as decree against petitioner and JD Sukha @ Sukhpal Singh was joint and several and when the decree could not be executed against JD Sukha @ Sukhpal then the Executing Court choose to proceed against petitioner JD No. 2. By depositing one half share of the decretal amount. Petitioner was not discharged of his liability and execution petition was not disposed of being satisfied against petitioner and in the impugned order the learned Civil Judge has categorically recorded that petitioner JD No. 2 can seek contribution from the other JD if he is made to pay the entire decretal amount as liability of the JDs was joint and several.

6. So finding no ground to interfere, the present revision petition is dismissed.

(VIRINDER AGGARWAL)
JUDGE

01.09.2025

P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No