

CR 138/2006.

31.12.2007. Present: Mr. N.K. Thakur, counsel for the petitioner.
Mr. Dev Raj Dev counsel for respondent Nos. 1 to 3 and 5.

CR No. 138/2007.

This revision petition has been filed by the judgment debtor against the order passed by the learned executing court in an application under Order 21 Rule 32 instituted by the decree holder against the petitioner herein. The petition was contested by the judgment debtor. The learned executing court, on a consideration of the entire evidence, held that the petitioner had not complied with the decree. So much so an effort/attempt was made by the petitioner (respondent before the executing court) to resile from what had been decided in the compromise before the learned District Judge. Learned court held as a fact that the petitioner being guilty of disobedience should be proceeded against under Order 21 Rule 33 of the Code of Civil Procedure.

Learned counsel appearing for the petitioner has urged that the order passed by the learned executing court is against law and that the learned court has exceeded its jurisdiction in passing the impugned order. He made a number of submissions touching the factual aspect of the matter.

I have heard learned counsel for the parties and have gone through the record. In revisional jurisdiction, this court cannot sit to reappreciate and reappraise the evidence unless it is satisfied that the findings arrived at are perverse or passed on evidence which does not

support a logical finding. I am not inclined to interfere in the judgment in revision by re appreciating evidence. This revision petition is accordingly dismissed. There shall be no order as to costs.

CMP No. 527/2006.

Dismissed.

31st December, 2007.
(cm)

(Dev Darshan Sud)
Judge.

