

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**WP(C) No. 2352/2025
CM No. 5441/2025**

Kulwant Singh

.....Appellant(s)/Petitioner(s)

Through: Mr. Jagmohan Singh, Advocate.

vs

Union Bank of India and others

..... Respondent(s)

Through: None.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
29.08.2025

ORAL

1. It has been brought to the notice of this Court by the learned counsel for the petitioner that despite the fact that the petitioner has deposited the loan amount with the respondent No. 1, the order impugned dated 18.07.2025 has been passed by the learned Principal District Judge, Jammu in an execution petition preferred by the Union Bank of India seeking recovery of amount of Rs. 13,38,594.90/-, which has been decreed under Order 37 of the Code of Civil Procedure.
2. Learned counsel appearing for the petitioner submits that the petitioner has already paid the loan amount and as per petitioner, as on date, there is an outstanding amount of Rs. 4,00,000/-, which is liable to be paid by the petitioner. However, at this stage this Court refrains from recording any finding as to how much amount is payable by the petitioner as on date.

3. Learned counsel for the petitioner has further submitted that the petitioner is the sole bread earner of his family, who has to support his family members, as such, prays for some reasonable time so that the outstanding amount as per statement of the Bank, which comes to Rs. 4,00,000/- shall be paid by the petitioner. Accordingly, learned counsel for the petitioner seeks three months' further time to clear the outstanding amount.

4. In light of the peculiar facts and circumstances of the case, this Court deems it appropriate to direct the petitioner to deposit the entire amount to the tune of Rs. 4,00,000/- within a period of two months, instead of three months as prayed, in the manner prescribed below:-

The petitioner shall pay an amount of Rs. 1,00,000/- to the respondent-Bank tomorrow before the Executing Court, where the execution petition is listed and an amount of Rs. 1,00,000/- thereafter within a period of one month. Thereafter, the petitioner shall also pay the balance amount of Rs. 2,00,000/- within a period of one month and to that extent, the petitioner is directed to file an undertaking to deposit the remaining amount of Rs. 2,00,000/- within one month before the Executing Court. The remaining amount, if any, shall also be deposited by the petitioner before the Executing Court within the aforesaid period.

Subject to petitioner's depositing the amount of Rs. 1,00,000/- before the Executing Court tomorrow and an amount of Rs. 1,00,000/- within one month from today and furnishing of undertaking to

deposit the amount of Rs. 2,00,000/- within a period of two months from today, order dated 18.07.2025 shall not be given effect to by the Executing Court.

5. In view of the aforesaid backdrop, no fruitful purpose shall be served by keeping the instant petition alive. Accordingly, the instant petition is disposed of at the very threshold by directing the Executing Court that, in case, the amount as directed above by this Court is not deposited, as also the undertaking is not given by the petitioner within the prescribed time frame, the learned Executing Court shall be at liberty to proceed against the petitioner for recovering the said amount in accordance with law by.

6. **Disposed of along with the connected application.**

**(WASIM SADIQ NARGAL)
JUDGE**

Jammu
29.08.2025
Sahil Padha

Whether the order is speaking: Yes/No.
Whether the order is reportable: Yes/No.