

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.1694 of 2014 (O&M)

Date of decision : 22.09.2015

M/s Swastika Flour Mills and ors.

...Petitioners

Versus

Gurinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. G.P.S. Bal, Advocate for petitioners.

Mr. Umesh Kumar Kanwar, Advocate for the respondent.

AMIT RAWAL, J. (Oral)

CM No.5495-CII of 2014

Prayer in the application is for placing on record typed copy of Annexure P-16.

Application is allowed. Annexure P-16 is taken on record subject to all just exceptions.

Main Case

Challenge in the present petition is to the impugned orders dated 17.01.2014 (Annexures P-14 and P-15), whereby objection petition and the interim application filed along with the same, have been dismissed.

Mr. GPS Bal, learned counsel appearing on behalf of petitioners-defendants-Judgment Debtor submits, that in pursuance to the money decree dated 08.05.2012, regarding dishonouring of the amount of cheque, the petitioners had filed the appeal. The suit for recovery had been filed but compromise had been arrived at and a sum of ₹15,00,000/- as noticed from the order dated 25.04.2013 (Annexure P-16) already stands paid and in view of such payment, the petitioners had withdrawn the appeal filed against the judgment and decree of the trial Court. But, despite that, the respondent-plaintiff moved an execution application for attachment of the property. The petitioner is suffering from ailment and, therefore, his financial position, much less, mental state is in doldrums.

Mr. Umesh Kumar Kanwar, learned counsel appearing on behalf of respondent submits, that application seeking restoration of the appeal had been filed and the appeal has been restored to its original number, therefore, no cause of action survives in the present petition.

I have heard learned counsel for parties and appraised the paper book.

Since appeal has been restored to its original number, moreover, amount of ₹15,00,000/- has been received by Decree Holder as noticed in the order dated 25.04.2013 (Annexure P-16), which read thus:-

“Present: DH in person with counsel.

*Amount of Rs.15 lakh has been paid by JD to DH
Separate statement also recorded in this regard. For
remaining payment being last opportunity, to come upon
25.05.2013.*

*Amit Singh
SDJM/25.04.2013”*

I am of the view that no useful purpose would be served in adjudication of the controversy involved in present petition on merits.

Accordingly, revision petition is disposed of with a direction to petitioners to seek interim relief by moving appropriate application before the Lower Appellate Court, whereby the appeal is stated to have been restored.

In the meantime, till such order is passed on interim application, the respondent-plaintiff shall not seek execution of the money decree, in essence, money decree shall remain stayed.

22.09.2015

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**(AMIT RAWAL)
JUDGE**