

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR 2031 of 2015

Date of decision:- 23.3.2015

Sohan Singh and anr

Petitioner

vs.

Charanjit Singh

Respondent

Present: Mr.Jag Nahar Singh, Advocate

M.M.S.BEDI,J.

The petitioners are plaintiffs, who are aggrieved by interim order dated 21.2.2015 directing the plaintiff- petitioners-decree holders to produce the correct record of the shares of Northern Carriers Pvt. Ltd. so that the judgment debtor could satisfy the decree by transferring the said shares as per compromise deed dated 22.10.2001, copy of which has been placed on record as Annexure P-1. The plaintiff- petitioners along with others had filed a suit for declaration and for permanent/ mandatory injunction against the defendant- respondent claiming rights in the property left by Dilbagh Singh father of the plaintiffs and the defendant. A compromise decree was passed inter alia requiring the defendant- judgment debtor Charanjit Singh to transfer all the shares, in the company of Northern Carriers Pvt. Ltd., in the name of the parties in equal shares. The judgment-debtor Charanjit Singh appears to have moved an application (Annexure P-2) before the executing court for a direction to the decree-holder to provide particulars of the properties in order to enable him to satisfy the decree.

In the reply filed (Annexure P-3) the decree-holder- petitioners have claimed that the judgment- debtor being the Managing Director and

in possession of the entire record has got all the details of the shares of the company.

Counsel for the petitioners has submitted that the direction issued by the executing court to produce the details of the shares of the Northern Carriers Pvt. Ltd. is unwarranted in view of the fact that the petitioner decree-holders are not in possession of the said record.

I have heard counsel for the petitioners and gone through the decree and the impugned order and I am of the opinion that the decree sought to be executed regarding specific moveable properties and for injunction can be executed as per Order 21 Rule 31 as well as under Order 21 Rule 32(5) CPC. For enforcement of the transfer of the specific moveable property and for enforcement of injunction order the decree-holder- petitioners seem to have not sought the appointment of the appropriate person or for the civil imprisonment of the judgment debtor. For the purpose of transfer of the shares of the company, the particulars of the property of the company would always be available with the Registrar of Companies and other statutory authorities. Without entering into the controversy regarding the propriety of the impugned order dated 21.2.2015, I deem it appropriate to dispose of this petition with a direction that no penal consequences will entail for non compliance of order dated 21.2.2015. However, the petitioners decree-holders would be entitled to enforce the legal rights for execution of the compromise deed in accordance with the provisions of law, afore-mentioned.

Disposed of with the above said observations and directions.

March 23 , 2015
TSM

(M.M.S.BEDI)
JUDGE