

**Sr. No. 236
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No.2713 of 2014
Date of decision: 03.12.2015**

M/s Universal Marketing

..Petitioner

Versus

Samittar Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

Present: Mr. Ramandeep, Advocate,
for the petitioner.

Mr. B.D.Sharma, Advocate,
for the respondents.

ARUN PALLI, J.(ORAL)

Vide order being assailed dated 10.02.2014, rendered by the Civil Judge, Junior Division, Jalandhar objections preferred by the petitioner-judgment debtor has since been dismissed by the executing court, which reads as thus:-

“These objections have been filed by the JD on the ground that DH has filed an earlier execution also which was withdrawn by the DH after receiving a sum of Rs.2,30,000/- vide receipt dated 14.01.2011 being fully satisfied. But the perusal of the receipt dated 14.01.2011 as well as the order dated 17.01.2011 vide which the earlier execution was withdrawn by JD shows that execution was dismissed as withdrawn being partly satisfied as the sum of Rs. 2,30,000/- was received by the DH as principle amount and interest till March, 2006. It was

specifically mentioned in the order dated 17.01.2011 passed by the court of Sh. A.S.Barda, the then learned CJJD, Jalandhar, that the interest for the period of April, 2006 to January 2011 is still due and the earlier execution was dismissed as withdrawn being partly satisfied reserving the rights of DH to claim the remaining interest in fresh application. As such, as per the order dated 17.01.2011, second execution filed by the DH for the recovery of Rs. 68,450/- as remaining interest from 18.03.2006 to 17.01.2011 is fully maintainable. Thus, in view of the above discussion, objections filed by the JD is hereby dismissed.”

Briefly, a decree dated 17.12.2005 for recovery of Rs.1,60,119/- was granted in favour of the respondents-decree holder, which has since became final between the parties. The case set out by the petitioner-judgment debtor was/is that an earlier execution petition preferred by the respondents was disposed of as being fully satisfied vide order dated 17.01.2011, for the entire decretal amount stood paid against receipt dated 14.01.2011. But in reference to an order dated 17.01.2011, it was concluded by the executing court that no doubt receipt of sum of Rs.2,30,000/- by the decree holder on 14.01.2011 was not disputed but as the decree holder had further claimed interest w.e.f. April, 2006 to January, 2011, thus the execution petition was disposed of being partly satisfied. Concededly, payment as regards interest w.e.f.18.03.2006 to 17.01.2011 was never made and, thus, the only and inevitable conclusion, the Executing Court could arrive at, was to dismiss the objections preferred by the petitioner-judgment debtor.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by the Executing Court is either contrary to the position on record or suffered from any material illegality.

That being so, no interference in exercise of revisional jurisdiction under Article 227 of the Constitution of India is warranted. The petition being devoid of merit is, accordingly, dismissed.

03.12.2015

vandana

**(ARUN PALLI)
JUDGE**