

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

C.R. No.3717 of 2015 (O&M)

Date of Decision.29.05.2015

Ashok Kumar Gulati

.....Petitioner

Versus

Haryana State Small Industries & Export Corporation Limited

.....Respondent

Present: Mr. Deepak Agnihotri, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. There is simply no merit in a revision where the Executing Court has only taken note of the fact of reversal of decision at the Appellate Court and directed the amount collected from the defendant to be restituted to him by payment by the plaintiff. The Court has also ordered that if the amount is not paid by the plaintiff who has suffered a reversal of the decision at the Appellate Court, his property can be attached and sold.

2. Learned counsel appearing on behalf of the petitioner states that the amount collected by virtue of the decree passed by the first Court has been spent for treatment of spinal injury and he does not, therefore, have the amount to pay back the defendant. It can be no answer to an action for restitution that he has spent the money and therefore, the defendant cannot be restituted. The counsel also pleads

that some time may be given for making the payment. It is not a matter by this Court to grant time, for, the Executing Court has only passed an order which is possible that if the amount is not paid, further process in execution will proceed. The question of grant of time does not arise at all before me and before the Court below.

3. I do not find any reason for making any interference. The revision petition is dismissed.

(K. KANNAN)
JUDGE

May 29, 2015
Pankaj*