

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3738 of 2013
Date of decision: 19.10.2015

Jaggar Singh

... Petitioner

Versus

Parshotam Dass

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jasbir Rattan, Advocate for the petitioner.
Mr. Aakash Singla, Advocate for the respondent.

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?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 29.01.2013, rendered by Additional Civil Judge (Sr. Divn.), Dhuri, application moved by the petitioner-Judgment Debtor for dismissal of the execution petition had since been dismissed.

Briefly, in an application moved by the petitioner, it was maintained that a compromise was arrived at between the parties during the pendency of the execution petition and pursuant thereto, a sum of ₹ 8,70,855/- was paid to the decree-holder in the presence of the witnesses. And, even a receipt was issued by the decree-holder in this regard. Thus, the decree stood satisfied and the execution petition was required to be dismissed.

In response, the alleged compromise was denied by the respondent/decreed-holder and it was alleged that no receipt was ever issued by him to the petitioner-Judgment Debtor. And, rather it was a forged and fabricated document.

The application moved by the petitioner was dismissed on a short ground that the decreed-holder had not certified the payment in terms of Order 21 Rule 2 Sub Rule 3 of the Civil Procedure Code. And, thus, the alleged payment could not be recognized by the executing court.

During the course of hearing, learned counsel for the parties have reached a consensus; for, post passing of the order dated 29.01.2013, petitioner had also preferred objections against the sale of his property in a court auction. And, besides other objections, petitioner had also set up the same plea that a compromise was arrived between the parties on 13.12.2012 and pursuant thereto a sum of ₹ 8,70,855/- was paid in full and final satisfaction of the decree. For, even those objections were dismissed on 23.07.2013, petitioner preferred an appeal against the said order, which is pending consideration before the appellate court at Sangrur. Learned counsel for the parties submit that since the precise question, as was/is being raised in the matter in hand, is also in issue before the appellate court, the revision petition be disposed of with an observation that the same shall be considered and

decided by the appellate court, in accordance with law, and the order dated 29.01.2013, shall have no bearing.

Consequently, the revision petition is disposed of with an observation that the issue as regards the compromise that was purportedly arrived at between the parties on 13.12.2012 and pursuant where to a sum of ₹ 8,70,855/- were paid to the respondent/decreed-holder in full and final satisfaction of the decree, shall be considered by the appellate court, before whom an appeal preferred by the petitioner is purported to be pending, strictly in accordance with law. And, the order dated 29.01.2013, shall have no bearing upon the adjudication of the said plea in those proceedings.

Revision petition is disposed of in the above terms.

October 19, 2015
Rajan

(Arun Palli)
Judge