

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

(1) CR No. 4483 of 2014 (O&M)
Date of decision: July 17, 2015

Jang Bahadur Dhawan

...Petitioner

Versus

Balwant Singh and others

...Respondents

(2) CR No. 4749 of 2014 (O&M)

Jang Bahadur Dhawan

...Petitioner

Versus

Balwant Singh and others

...Respondents

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?**

Present: - Mr. Mahavir Sandhu, Advocate
for the petitioner.

Mr. Robin Dutt, Advocate,
for respondent No. 1.

K. KANNAN, J. (Oral)

1. This order shall dispose of both the above titled revision petition as they arise out of the same set of facts.

2. There is an interim order of stay which is operating. I find there is simply no justification for granting stay of the proceedings. The petitioner is a judgment debtor, as registered owner of the vehicle which is involved in the accident. The award already provided for right of recovery against the subsequent purchaser. The petitioner states that he has preferred

an appeal against the award and it is pending before this court. If the case is pending and there is no order of stay of execution before this court then the claimants cannot be defeated in their right for recovery of the amount against any of the judgment debtors. If the first defendant, who is the subsequent purchaser, made an objection, the court could have allowed for execution to go against both the persons or against either of them. It cannot completely relieve joint debtors. By the cloak of an interim order, the petitioner cannot also stifle further execution process. The interim stay is vacated. The order passed by the court below is modified to the extent that the decree-holders are at liberty to proceed against both or any of them equally or to the extent to which the resource of the judgment-debtors makes possible the recovery.

3. Both the revisions are disposed of.

July 17, 2015
prem

(K.KANNAN)
JUDGE