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

CR No.4961 of 2015 (O&M)

Date of decision: August 06, 2015

Smt. Maya Devi

.....Petitioner

Versus

Raj Kumar and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Amit Kumar Jain, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 21.05.2015.

Learned counsel for the petitioner has submitted that the executing Court has imposed a very harsh condition vide the impugned order, while ordering that executing proceedings shall remain stayed, in case, petitioner deposits 25% of the principal amount of ₹10,00,000/- within one and a half month before the said Court. Petitioner was never served by the trial Court before the passing of the *ex parte* decree against her. Petitioner was not having the capacity to deposit the amount as directed by the executing Court vide the impugned order.

In the present case, respondent No.1 had filed suit for specific performance of agreement to sell dated 03.08.2012. Petitioner was proceeded *ex parte* before the trial Court and vide judgment/decreed dated 12.09.2014, suit of

respondent No.1 was decreed to the extent that he was entitled to recover amount of ₹10,00,000/- along with interest. Thereafter, respondent No.1 initiated execution proceedings. Petitioner filed her objections before the executing Court. In Order to safeguard the interest of respondent No.1, who was having money decree in his favour, the learned executing Court rightly held that the execution proceedings shall remain stayed, subject to the condition that the petitioner should deposit 25% of the principal amount of ₹10,00,000/-. Petitioner has been granted one and a half month to do the needful.

The impugned order being just and fair does not call for any interference by this Court while exercising jurisdiction under Article 227 of the Constitution of India, 1949.

Dismissed.

**(SABINA)
JUDGE**

August 06, 2015

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