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

**Civil Revision No.2901 of 2016 (O&M
Date of Decision: 31.08.2016**

VIJAY KUMAR AND ANOTHER

.....Petitioners

Vs

TARA SINGH DHAMI AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.B. Raheja, Advocate
for the petitioners.

Mr. Gagneshwar Walia, Advocate
for respondent Nos.1 and 2.

RAJ MOHAN SINGH, J.(Oral)

[1]. On 08.08.2016, following order was passed by this
Court:-

“Learned counsel for the petitioners contends that even after filing of revision petition, an amount of Rs.25,000/- has been deposited by the petitioner with the executing Court. The lower Appellate Court partly accepted the appeal of the judgment debtor and dismissed the objections filed by the decree holder thereby reducing the amount to the tune of Rs.30,000/-. Executing Court has issued warrant of attachment taking into consideration the amount decreed by the trial Court and not on the basis of judgment and decree of the lower Appellate Court. Reference is being made to warrant of attachment

(Annexure P10). Petitioner is ready to honour the decree of the lower Appellate Court i.e. Rs.30,000/- along with interest @ 6% per annum from 15.08.2008 till final realisation of the amount.

Notice of motion for 31.08.2016.

In the meanwhile, executing Court is directed to adjourn the proceedings beyond the date fixed by this Court”

[2]. Learned counsel for the respondent Nos.1 and 2 brought to the notice of the Court that at one point of time executing Court issued auction warrants in a sum of Rs.79,873/- instead of Rs.30,000/- as ordered by the lower Appellate Court. The said order was rectified by the executing Court vide order dated 12.04.2016.

[3]. It appears that on 08.08.2016, learned counsel for the petitioners was not in the knowledge of factum of order dated 12.04.2016 passed by the executing Court and he proceeded to argue on the premise that despite the order passed by the lower Appellate Court, executing Court went ahead to record the decretal amount to the tune of Rs.79,873/-.

[4]. Be that as it may, learned counsel for the petitioners got his statement recorded on 08.08.2016 that he is ready to honour the decree passed by the lower Appellate Court i.e. Rs.30,000/- along with interest @ 6% per annum from

15.08.2008 till final realization of the amount.

[5]. In view of above, this revision is disposed of with a direction to the executing Court to calculate the total amount payable at the instance of the petitioners, treating an amount of Rs.30,000/- to be the principal amount to which interest @ 6 % is payable from 15.08.2008 till final realization of the amount. The amount of Rs.25,636/- paid by the petitioners is required to be deducted from the amount so computed by the executing Court.

August 31, 2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No