

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

Civil Revision No.3063 of 2015

Date of Decision: May 04, 2016

Karnail Singh Randhawa

...Petitioner

Versus

Nachhatar Singh & others
(deceased through LRs)

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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.Paramjit Batta, Advocate,
for the petitioner.

Mr.H.S.Baath, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

Petitioner-judgment debtor is aggrieved of the impugned order, whereby the Executing Court, according to him, has gone beyond the decree and calculated the interest modified by the Lower Appellate Court in the judgment and decree dated 6.6.2007 @ 6% as pendente lite and future interest on the principal amount of ₹9.00 lacs.

Mr.Paramjit Batta, learned counsel appearing on behalf of the petitioner-judgment submits that suit for recovery of ₹9,00,000/- as principal and ₹84,000/- as interest @ 12% per annum was filed, which was decreed by the trial Court vide judgment and decree dated 6.11.2006, but the Lower Appellate Court modified the aforementioned judgment and decree and ordered that the decree holder shall be entitled to pendente lite and future interest @ 6% per annum on the principal amount of ₹9.00 lacs.

He further submits that in compliance with the aforementioned order, the petitioner already deposited principal amount of ₹9.00 lacs on 29.3.2007 and in addition to that, he had also paid ₹84,000/- as interest @ 12% w.e.f. 1.4.1995 to 31.12.1996, yet the Executing Court ordered attachment of the property and also issued warrant of arrest. An application was filed for recalling of the same. The Executing Court noticed the aforementioned fact vis-a-vis deposit of the principal amount, yet calculated the compound interest, which is evident from the impugned order. This fact is not disputed by the learned counsel for the respondent.

There is another aspect of the matter. In view of the interim order passed by this Court on 6.5.2015, the petitioner was permitted to deposit the decretal amount along with simple interest.

Learned counsel for the petitioner has shown copy of the receipt challan with regard to deposit of the interest @ 6% amounting to ₹6,06,575/- on 7.12.2015. The Civil Judge (Senior Division), Rupnagar has noticed the aforementioned fact in his order dated 17.12.2015, disposed of the execution application by releasing the amount in favour of the decree holder and the file was ordered to be consigned to the record room in view of the statement of the decree-holder.

Since the execution application has been satisfied, no further orders are required to be passed.

Revision petition stands disposed of.

May 03, 2016
ramesh

(AMIT RAWAL)
JUDGE