

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

CR No.47 of 2016
Date of decision : 28.07.2016

Balwinder Singh

...Petitioner

Versus

Sachin Setia and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. R.S. Sekhon, Advocate for the petitioner.

Mr. Ashok Aneja, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

Petitioner-Judgment Debtor is aggrieved of the impugned order, whereby Executing Court has resorted to the provision of Order 21 Rule 37 of Code of Civil Procedure despite the fact that application under Order 21 Rule 66 of the Code of Civil Procedure is pending adjudication.

Learned counsel submits that both the suit can proceed simultaneously. There is no bar in that. Vide order dated 17.10.2015, Judgment debtor is required to undergo civil imprisonment. The judgment and decree dated 01.12.2008, whereby the suit for recovery of Rs.2,93,949/- along with interest at the rate of 8% p.a. from the date of last transaction till

filing of the suit and 6% p.a. from the date of filing of the suit till actual realisation of the decretal amount, has been passed.

I have heard learned counsel for the parties and of the view that once the Decree Holder has availed the remedy under Order 21 Rule 66 CPC and it is only after exhausting the aforementioned provisions can resort to provision of Order 21 Rule 37 CPC, in case the decretal amount is not realised but not in the manner and mode as indicated.

Accordingly, impugned order is set aside.

Revision petition is allowed.

Liberty is granted to Decree Holder to proceed against Judgment Debtor in accordance with law.

28.07.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned: Yes

Whether reportable:- Yes/No