

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.4928 of 2016
Date of Decision.03.08.2016

Nafe Singh

.....Petitioner

Vs.

Meghraj son of Om Prakash

.....Respondent

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

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The petitioner-judgment debtor is aggrieved of the order whereby he has been directed to deposit the decretal amount along with interest in pursuance of the judgment and decree dated 13.06.2009.

Mr. R.S. Dhull, learned counsel appearing for the petitioner submits that the trial Court passed the decree on 13.06.2009 and appeal filed against the said decree was also dismissed in January, 2010. The plaintiff-decree holder died on 17.10.2010 but by that time, he had filed execution petition but the same was dismissed for non-prosecution on account of his death during the pendency of the petition. Thereafter, an application for restoration on his behalf was filed by the respondent-Meghraj claiming himself to be legal representative of deceased-Om Prakash, decree holder but the same was dismissed as withdrawn. Thereafter, second execution application filed by the respondent-Meghraj was also dismissed as withdrawn with liberty to file a fresh one. In execution petition filed thereafter by the respondent, the Executing Court kept the matter pending for holding enquiry

as the status of the respondent-Meghraj as legal representative of deceased-plaintiff was disputed but in the meantime, it directed the petitioner to deposit the decretal amount on the premise that the judgment debtor cannot avoid the obligation to make the payment.

He further submits that the decretal amount along with interest has burgeoned to more than ₹4 lacs approximately and he has to deposit the same by 06.08.2016. The counsel states that petitioner-judgment debtor has married his daughter in April, 2016 and he has no sufficient funds to comply with the order.

I have heard learned counsel for the petitioner and appraised the paper book. In view of the aforementioned facts, I deem it appropriate to modify the order passed by the Executing Court. Instead of depositing the entire decretal amount, the petitioner is directed to deposit ₹2,50,000/- as principal amount on 06.08.2016. The rest of the amount shall be considered after the decision on the issue with regard to enquiry being kept pending qua status of respondent-Meghraj, as to whether he is entitled to receive the decretal amount on behalf of the deceased-plaintiff/decreed holder, Om Prakash, or not, as his legal representative.

The impugned order is modified to the above extent and the revision petition is disposed of on the above terms. A copy of this order be given to the counsel for the petitioner under the signatures of Reader of this Court.

(AMIT RAWAL)
JUDGE

August 03, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No