

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

CR No.6083 of 2014

Date of decision : 28.03.2016

The Akhil Bhartiya Bank Employees Co-operative Urban Salary Earner
Thrift & Credit Society Ltd.

...Petitioner

Versus

Raj Kumar Bathala and ors.

...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. Chauhan, Advocate for the petitioner.

Mr. Raj Kumar Bhatia, Advocate for the respondent No.1.

Mr. Amit Sharma, Advocate for
Mr. IPS Doabia, Advocate for respondent No.3.

AMIT RAWAL, J. (Oral)

The petitioner-decree holder is aggrieved of the impugned order dated 02.07.2014, whereby objection filed under Section 47 of the Code of Civil Procedure has been accepted by dismissing execution application.

Mr. R.S. Chauhan, learned counsel appearing on behalf of petitioner-decree holder submits that as per the ex parte award dated

15.03.2000 passed by the Sub-Inspector Cooperative Society, amount of ₹22,250/- as principle and ₹54,851/- as interest at the rate of 19.5% per annum could be realized. Though a sum of ₹8,31,840/- was outstanding against the Judgment Debtor, decree Holder is entitled to future interest in view of law laid down by following judgments:-

1. *Hoshiarpur Central Co-operative Bank Vs. Urmar Harmonium Reed Workshop, 1989(1) RRR 408.*
2. *State of Punjab Vs. Ajit Singh and ors., 1979 PLR 448.*
3. *The Mallian Near Gill Manj Co-operative Joint Farming Society Limited Vs. The Gurdaspur Central Cooperative Bank Ltd., 1984 RRR 352,*
4. *Karnail Singh Vs. State of Punjab, 1992(2) RRR 411,*

He further submits that acceptance of the objections are not sustainable in the eyes of law.

Mr. Raj Kumar Bhatia, learned counsel appearing on behalf of respondent No.1 submits that Decree Holder has realized more than decretal amount thus it is not only the act of dishonesty but of greed which is not permissible in the law.

I have heard learned counsel for the parties and appraised the paper book.

It is a matter of record that against the aforementioned amount as awarded by the Arbitrator, the petitioner-decree holder has realized sum of ₹3,25,875/-.

In my view continuation of the decree is an act of aggrandizement. In view of the aforementioned fact, I do not intend to differ with the findings rendered by the Executing Court in accepting the

objections.

No ground for interference is made out.

Dismissed.

28.03.2016

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**(AMIT RAWAL)
JUDGE**