

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 8517 of 2015(O&M)
Date of decision : May 20, 2016

The Government of Haryana and others

..... Petitioners

Versus

V. B. Malik

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anil Kumar Yadav, Additional Advocate
General, Haryana and
Mr. Pritam Saini, Advocate
for the petitioners.

Mr. Sandeep Singal, Advocate
for the respondent.

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?

Amit Rawal, J (oral).

The petitioner-judgment debtor is aggrieved of the impugned order dated 20.11.2015 whereby warrant of attachment has been issued for not complying the order dated 13.10.2015.

Mr. Pritam Saini, learned counsel appearing on behalf of the petitioner submits that as per the previous order dated 13.10.2015 both the parties filed calculations and judgment debtor calculated the amount by merging personal pay into basic pay whereas decree holder included D.A. on personal pay and not on basic pay and thus, the matter was adjourned for filing fresh

calculations as per the instructions dated 6.5.1991.

He further submits that in the impugned order it is reiterated that the calculations filed by the decree holder are correct and without pondering upon the same in a most mechanical manner ordered for attachment of the property, thus urges this court that the impugned order be set aside and the matter be remitted back to the executing court for at least to deliberate upon the calculations submitted by both the parties and thereafter record a finding whether anything survives in the petition or not.

Mr. Sandeep Singal, learned counsel appearing on behalf of the respondent submits that the calculations made are not in consonance with the judgment and decree much less instructions and the executing court having left with no other option issued warrant of attachment as the judgment and decree is dated 10.5.2012, thus urges this Court for affirming the finding and dismiss the revision petition.

I have heard learned counsel for the parties, appraised the paper book and of the view that since both the parties are relying on their own calculations and the Court has not been able to come to a conclusion whether the calculations submitted by either of the parties are in consonance with the judgment and decree, I deem it appropriate that assistance of any concerned officer from the office of Accountant General, Haryana be taken for the purpose of calculations and determine outstanding dues, if any, strictly in accordance with the judgment and decree, to form an opinion that as to whether calculations submitted by the judgment debtor are correct

or that of decree holder. Without deliberating upon the same, the court could not have passed an order in haste. The order dated 20.11.2015 is set aside. The matter is remitted back to the executing court to pass an order after noticing the contentions aforementioned and decide the controversy between the parties after taking assistance of any of the officer from the concerned office of Accountant General, Haryana.

Let this exercise be done as expeditiously as possible but not later than three months from the date of receipt of certified copy of this order.

The parties through their counsel are directed to appear before the executing Court on 15.7.2016.

The revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 20 , 2016
archana