

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

ESA No.29 of 2013(O&M)

Date of decision:15.9.2016

Dalbir Singh and others

....Appellants

VERSUS

Major Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sarbjit Singh, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The present appeal has been directed against consistent findings recorded by the Courts below whereby the objection petition preferred by the judgment debtor (in short 'JD') against execution of the decree dated 01.08.1970 passed by the Court of Sh. K.C. Diwan, Sub Judge Ist Class, Amritsar has been allowed vide order dated 15.09.2009 passed by the Additional Civil Judge (Senior Division), Baba Bakala and the appeal preferred by the appellants against the aforesaid order has been dismissed by the Additional District Judge, Amritsar vide order dated 11.02.2013.

The sole submission made by counsel for the appellants is that as per decree dated 01.08.1970, the defendant/vendee was required to pay Rs.500/- to be deposited in the Court by 28.05.1971 but the JD failed to comply with the said condition, thus, the decree passed in favour of the appellants became operational, execution whereof was sought by an application in this regard. In addition, it is argued that Form No.32-A dated 21.05.1971 relied upon by the JD/respondent with regard to deposit of Rs.500/- is a forged and fabricated document, therefore, cannot enure to the

benefit of the JD to raise any objection against execution of the decree dated 01.08.1970.

I have heard counsel for the appellants, perused the paper-book particularly the orders impugned.

The executing Court in the order dated 15.09.2009 has noticed that the JD has placed on record original Form No.32-A dated 21.05.1971 vide which he deposited an amount of Rs.500/- in the office of Treasury, Amritsar that also bears signatures of Subordinate Judge, Amritsar dated 21.05.1971, sufficient to prove that the JD has deposited an amount of Rs.500/- in the Treasury, Amritsar. On a pointed query raised by the Court, counsel for the appellants has fairly informed that the appellants did not seek any information from the concerned Treasury in order to verify correctness of Form No.32-A depicting deposit of Rs.500/- in the Treasury on 21.05.1971, well before the stipulated date incorporated in the decree dated 01.08.1970.

In this view of the matter, I do not find any reason to interfere in the consistent findings recorded by the Courts below holding in favour of the JD that he had deposited an amount of Rs.500/- in compliance with the judgment and decree dated 01.08.1970 rendering the decree unexecutable at the instance of the decree-holders/appellants.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in *limine*.

SEPTEMBER 15, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned

:

yes/no

Whether reportable

:

yes/no