

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.2657 OF 2017
Date of decision:18.4.2017**

M/s Vishal Retail Ltd and others

...Petitioners

Versus

Sanjiv Kumar Jain and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Manav Bajaj, Advocate for the petitioners

RAMESHWAR SINGH MALIK, J. (Oral)

Present civil revision petition, at the hands of judgment debtors, filed under Article 227 of the Constitution of India, is directed against the impugned order dated 14.3.2017 (Annexure P-1), whereby bank account of the petitioner has been attached.

Heard learned counsel for the petitioner.

It is a matter of record that objections filed by the judgment debtors-petitioners, to the execution application, were dismissed by the learned executing court, as far back as on 15.5.2012. However, execution application is still pending. On 14.3.2017, the case was fixed for reply and calculation. Neither the petitioners filed any reply nor they tendered the remaining amount, as directed by the learned executing court.

Further, no reasons, whatsoever, were being disclosed as to why the petitioners were unable to comply with the directions issued to them by the learned executing court. Under these circumstances, the learned executing court was left with no other option except to attach the bank account of the petitioners so as to ensure due execution of the decree.

Having said that, this Court feels no hesitation to conclude that the learned executing court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been rightly passed by the learned executing court. Pendency of execution application for the last more than five years itself shows that the petitioner has been delaying the execution on one or the other flimsy grounds, thereby causing serious prejudice to the decree holder. Under these peculiar facts and circumstances of the case, it can be safely concluded that the learned executing court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

18.4.2017

mks

(RAMESHWAR SINGH MALIK)

JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No