

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5140 of 2017
Date of decision: 04.08.2017

Amarjit Singh

... Petitioner

Vs.

Punjab State Power Corporation Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against long pendency of his execution application bearing No.EA-247/2015 titled as Amarjit Singh Vs. PSPCL and others, petitioner, who is a retired govt. officer, has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, seeking a direction to the learned executing Court for early decision of his execution application.

Heard learned counsel for the petitioner.

In view of the nature of prayer made by the petitioner in the present revision petition, no notice is required to be issued to the respondents. A bare perusal of the zimni orders contained in Annexure P-2, which are as many as 29 in number, would show that the judgment-debtors as well as the learned executing Court are not taking the execution application of the petitioner seriously. The learned executing Court should have appreciated that

paper decree alone, as granted in favour of the plaintiff/decreed-holder, as far back as on 04.04.2015, would serve no purpose, unless the decree-holder gets the fruit thereof by way of its effective and early execution.

It is need of the hour that the learned executing Court must ensure that no execution application is unduly delayed and the decree-holder is not made to suffer for none of his fault. Instant one is yet another example, where the decree-holder is being made to suffer at the hands of judgment-debtors on one or the other lame excuses, which are being put before the learned executing Court, in spite of the fact that the execution is pending for the last more than two years and as many as 30 dates of hearing have already taken place.

In such a situation, the learned executing Court is called upon to rise to the occasion and take a strict action against the judgment-debtors, as and when necessity arises, even resorting to passing some harsh orders, so as to ensure that finally, justice must not be made to suffer, simply because the judgment-debtors are finding it difficult to abide by the decree passed in favour of the decree-holder.

As noticed hereinabove, petitioner, in the instant case, is retired govt. officer. He is a senior citizen. After attaining the age of superannuation, he retired from the govt. service as far back as on 30.06.2012. Since he was not paid all his retiral benefits, he had to approach the learned Civil Court by filing a suit for mandatory injunction, which was decreed by the learned trial Court vide its judgment and decree dated 04.04.2015, which had already attained finality in favour of the decree-holder.

The operative part of the judgment dated 04.04.2015 passed by

the learned trial Court, at page 20 of the paper book, reads as under: -

“In view of my aforesaid discussion, present suit is partly decreed with costs to the effect that the defendants department is directed to release all pensionary benefits and GPF for the period from 27.09.1977 to 26.07.1991 along with interest @9% per annum to the plaintiff from the date of accrual till the date of realization of pensionary benefits and GPF. It is further decreed that defendant department is directed to give interest @9% per annum on the delayed payment of leave encashment and GPF from the date of accrual till date of its realization. It is further decreed that the defendants are directed to issue form No.16-A of Income Tax to the plaintiff. However, the relief of mandatory injunction qua directing the defendant department to give reasonable compensation to the plaintiff is hereby declined. Decree sheet be drawn accordingly. File be consigned to Judicial Record Room, Amritsar after due compliance.”

It is clear from the record that disposal of the suit took less than 01 year and 08 months, which was filed on 13.08.2013 and came to be decreed on 04.04.2015. However, execution of the abovesaid decree dated 04.04.2015 is pending for the last more than two years. Thus, unduly long pendency of execution application is a cause of concern for this Court and should be for every Court of law for that purpose because it is not good for the justice delivery system.

Keeping in view the peculiar facts and circumstances of the case noted above and without commenting anything further about the approach

adopted by the learned executing Court as well as the judgment-debtors, in the instant execution application of the petitioner, learned executing Court is directed to ensure early disposal of the execution application without any further delay and in any case within a period of three months from the date of receipt of certified copy of this order.

With the abovesaid observations made and directions issued, present civil revision petition stands disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

04.08.2017
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No