

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CR No.7450 of 2017(O&M)
Date of decision :20.12.2017

Namrata Kapoor

... Petitioner

Versus

The Punjab State Co-operative Bank Ltd. and others

... Respondents

CORAM : HON'BLE MR.JUSTICE RAJ MOHAN SINGH

Present : Ms. Puja Chopra, Advocate
for the petitioner.

Mr. A.P.S. Brar, Advocate
for respondent No.1.

Raj Mohan Singh, J.(ORAL)

On 31.10.2017, following order was passed:-

“Learned counsel for the petitioner contended that the petitioner has a liability of paying EMIs of housing loan availed from financial institution from her monthly salary. In the event of issuing notice before attaching the salary of the petitioner, the petitioner could have explained her position as it is case of hardship.

Notice of motion for 09.11.2017.

Process dasti as well.”

During course of hearing, there is a consensus arrived at between the parties that the petitioner was having a remedy of filing objections before the Executing Court against the order dated 09.08.2017 passed by Civil Judge (Junior Division), Chandigarh.

Learned counsel for decree holder/respondent No.1 has fairly suggested that the petitioner should have resorted to the remedy of filing objections before the Executing Court and even now, she can file objections. In case, such an objection is filed before the Executing Court, the decree holder shall not execute the decree qua the petitioner for a month provided Executing Court is directed to decide the objections within one month.

Keeping in view the entirety of facts and circumstances of the case, I deem it appropriate to relegate the petitioner to file objections before the Executing Court within one week from the date of receipt of certified copy of this order. In the event of receiving such objections by the Executing Court, the same shall be decided by the Executing Court within one month from the date of filing of objections. Till such time, execution proceedings qua the petitioner shall remain in abeyance.

Disposed of.

[Raj Mohan Singh]
Judge

20.12.2017

Prince

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No