

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

CR No.8047 of 2017(O&M)

Date of decision: 17.11.2017

Sukhdev Singh

.....Petitioner

VERSUS

Sukha Singh @ Sukhdev Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. P.K. Ganga, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The petitioner has approached this Court to express his grievance against orders dated 24.01.2017 (Annexure P-3) and dated 21.08.2017 (Annexure P-4) passed by the executing Court whereby the execution petition has been adjourned sine die vide order dated 21.08.2017.

Counsel for the petitioner has submitted that the petitioner filed a summary suit for recovery under Order XXXVII of the Code of Civil Procedure, 1908 (in short 'CPC'). Leave to defend in favour of the defendant was allowed subject to furnishing of surety bond. Mukh Ram @ Mukha Ram furnished the surety bond of his property i.e. 5 marla plot on which house has been constructed. The petitioner filed an application for execution of the decree wherein a prayer was made for attachment and sale of movable or immovable property of the JD or surety. It is further submitted that the executing Court without proceeding against the surety Mukh Ram @ Mukha, on the basis of surety bond furnished by him during pendency of the suit has adjourned the execution proceedings sine die.

In view of the above, without examining merits of the case, the present petition is disposed of with liberty to the petitioner to file an application before the executing Court for revival of the execution and to proceed against property of Mukh Ram @ Mukha Ram in regard whereof he has furnished surety bond during pendency of the suit with an undertaking to pay the decretal amount to the tune of Rs.28,250/- on failure of the defendant to comply with the decree to that extent. Any such application filed by the petitioner shall be decided by the executing Court within a period of 15 days from the date of its filing.

Disposed of accordingly.

NOVEMBER 17, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no