

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

CR No.3825 of 1995 (O&M)
Date of decision : 17.04.2018

Manohar Singh

...Petitioner

Versus

State Bank of India

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Mahajan, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

It is a unfortunate case where the official of the Court was found to have embezzled the amount deposited with him for satisfaction of the decree.

Learned counsel for the petitioner has pointed out that he has already settled the dispute with the respondent i.e. State Bank of India. He has annexed the receipts of payment with the respondent under One Time Settlement. Hence, the grievance of the petitioner with respect to the respondent has come to an end. Hence, the impugned order passed by the Executing Court would be of no consequences.

Learned counsel for the petitioner further points out that Senior Sub Judge, Amritsar had filed a suit for rendition of the accounts against the legal heirs of the Court official who had embezzled the amount. The suit filed by the Senior Sub Judge was decreed. It was found that the official had

embezzled the amount deposited by various litigants. The attention of the Court is drawn towards the decree passed by the Civil Judge Junior Division, Patti dated 30.05.2005 which has been affirmed in appeal by the First Appellate Court on 28.03.2008.

Learned counsel for the petitioner submits that he may be permitted to become party in the aforesaid execution petition and recover the amount if anything is possible from the legal heirs of the deceased employee.

Since, the main dispute involved in the present revision petition is over, therefore, the present revision petition is dismissed as infructuous.

However, the petitioner would be at liberty to move an appropriate application before the learned Executing Court to seek the recovery of the amount which allegedly was deposited and embezzled by the official.

The petitioner would be granted opportunity to prove that the amount is due in favour of the petitioner and if anything is recovered from the legal heirs of the deceased employee, the same on being proved, shall be paid to the petitioner in accordance with law.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

17.04.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**