

Date of decision : 23.2.2018

Versus

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 15.12.2017, passed by learned Civil Judge (Junior Division), Rupnagar vide which, in a suit filed by plaintiff-respondent for mandatory injunction directing the defendants to pay the salary/expenses to the tune of Rs. 2,35,562/- along with interest @ 24% per annum, his application for releasing the attached property was dismissed. The trial Court apparently exercising the powers under Order XXXVIII Rule 5 of the Code of Civil Procedure, 1908, attached the property i.e. SCO No. 14-15 built on 125 square meters, situated at Part-II Beant Singh Aman Nagar, 11 Bela Road Rupnagar, before passing the judgment.

Present petitioners-defendants offered an FDR of Rs. 2,50,000/- with maturity value of Rs. 2,68,228/- on 29.9.2018 and requested for release of the attached property which was declined.

I am of the view that the purpose of Order XXXVIII Rule 5 of the Code of Civil Procedure, 1908, is to secure the decree that may be passed against the defendants. Learned trial Court has taken the view that FDR of Rs. 2,50,000/- is not sufficient to satisfy the decree.

Learned counsel for the petitioners-defendants undertakes to furnish the FDR/FDRs of the amount of Rs. 3,50,000/- to ensure that the said FDR/FDRs along with interest accruing thereon will be sufficient to satisfy the decree.

In the circumstances, no need to issue notice to respondents. The impugned order dated 15.12.2017, passed by learned Civil Judge (Junior Division), Rupnagar is set aside and defendants are directed to furnish the FDR/FDRs in the sum of Rs. 3,50,000/- before the learned trial Court and on furnishing of such FDR/FDRs, learned trial Court shall release the property of the petitioners-defendants attached by it and retain FDR/FDRs in order to satisfy the decree that may be passed against the defendants. The petitioners-defendants shall be bound to renew the said FDR/FDRs from time to time.

Disposed of.

(KULDIP SINGH)
JUDGE

23.2.2018
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Whether speaking / reasoned
Whether Reportable:

Yes
No