

CR-1542-2018(O&M)

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Sr.No.113

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CR-1542-2018(O&M)

Date of Decision: 09.08.2018

Vikram Dara

.....Petitioner

versus

Smt. Har Devi and others

.....Respondents

CORAM HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present Mr.Anup Singh, Advocate for the petitioner.
Mr. S.S.Toor, Advocate for respondents no.1 to 3.
Mr. Varun Chawla, Advocate for respondents no.4 to 6.
Mr.Abhinav Oberoi, Advocate for respondent no.7.

AMOL RATTAN SINGH, J(ORAL)

Learned counsel for the petitioner submits that the petitioner is only liable to pay the decretal amount to the decree holder to the extent that falls to his share, the remaining to be paid by respondents no.4 to 8 herein, even though they have been impleaded as proforma respondents.

As a matter of fact, it is seen that the grievance of the petitioner in this petition is actually qua respondents no.4 to 8 and therefore, they are not proforma respondents, with only respondents no. 9 to 11 admittedly being proforma respondents as per counsel appearing on both sides.

Consequently, the memo of parties is ordered to be amended and the registry is directed to carry out necessary corrections, to show only respondents no.9 to11 as proforma respondents.

Coming to the merits of the case, the decree that is sought to be executed having been passed against all the defendants before the Courts below, i.e respondents no.4 to 8 herein as also the petitioner, without any

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apportionment of the amount awarded by those Courts, in respect of each judgment debtor, the judgment debtors are all jointly and severally liable to pay the amount to the decree holder, with ofcourse liberty to the judgment debtors *inter se* to recover commemorate amounts from each other, if such recovery is found permissible, in appropriate proceedings to be initiated by the person aggrieved.

Learned counsel for respondents no.4 to 6 herein, (officers / officials of the Bajaj Allianz Life Insurance Company Limited) very fairly submits that the said respondents are ready to pay their share of the decretal amount, the decree having become final.

That being so, the petitioner as also respondents no.4 to 6 shall pay the decretal amount to the decree holders before the learned executing Court, to the extent of each of their shares, also including the amount that falls due upon respondents no.7 and 8, with liberty to the petitioner and respondents no.4 to 6 to initiate appropriate proceedings to recover the amount from respondents no.7 and 8, which proceeding would be decided on its own merits.

The parties would now appear, either themselves or through their counsel, before the executing Court on 17.08.2018 with the amount due to be paid by them within six weeks' thereafter.

Disposed of.

09.08.2018
mamta

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No