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

CR No. 1596 of 2018 (O&M)

Date of Decision: 05.10.2018

Prashant Kapoor

....Petitioner

Vs

Rajesh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Yagyaang Ajay, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

At the time of issuance of notice of motion on 12.03.2018, learned counsel for the petitioner made a statement of withdrawing the relief of waiver of payment of interest on the installment and prayed that the matter be disposed of as such.

Respondent No.2 was proceeded against exparte on 16.04.2018 and fresh notice was issued to respondent No.1.

As per office report dated 25.07.2018, respondent No.1 was duly served but none appeared for respondent No.1. Thereafter, on 18.05.2018, it was recorded by the High Court that petitioner in order to prove his *bonafide* was ready to deposit an amount of Rs.50,000/- against the impugned execution proceedings. Direction was issued to the petitioner to

deposit the aforesaid amount on or before 30.05.2018 along with upto date interest and the balance amount was to be deposited in six equal monthly installments along with upto date interest. Rider was imposed that in case of non-compliance of order in letter and spirit, the revision petition shall be dismissed for want of prosecution.

Thereafter, on 26.07.2018, this Court directed the petitioner to place on record the receipt regarding deposit of an amount of Rs.50,000/- along with payment of installments (if any) within a specified period.

In pursuance of aforesaid direction, civil misc. application No.21709-CII of 2018 has been filed. Order dated 29.05.218 passed by Civil Judge (Junior Division), Karnal shows that the petitioner has paid an amount of Rs.50,000/- to the learned counsel for the decree holder namely Mr. Vinay Bansal, Advocate along with interest of Rs.25,000/- w.e.f. 16.03.2012 to 16.06.2018. Remaining amount was to be paid in six installments as per order of the High Court.

The petitioner undertook to pay the same as per schedule of payment. Thereafter, statement of the petitioner was recorded by the Civil Judge (Junior Division), karnal on 30.08.2018 to the effect that the petitioner has paid two months amount of Rs.25,000/- to the decree holder.

Learned counsel for the petitioner submits that the total amount due against the petitioner is approximately Rs.1,25,000/-, out of which an amount of Rs.1 lacs has already been paid. Remaining amount shall be paid as per schedule fixed by the Court.

This revision petition can be disposed of with a direction to the petitioner to adhere to the schedule of payment as noticed in the order dated 29.05.2018 passed by Civil Judge (Junior Division), Karnal.

If the aforesaid order is not complied with, liberty is given to the decree holder to revive the present revision petition.

Disposed of.

05.10.2018

Jyoti Yadav

**(RAJ MOHAN SINGH)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No