

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

**CR No. 1865 of 2018 (O&M)
Date of decision : March 20, 2018**

Ram Singh Bhankar

..... Petitioner

Versus

Sarva Haryana Gramin Bank

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Balraj Sharma, Advocate for the petitioner.

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 (Annexure P-1) passed by learned Civil Judge (Sr. Divn), Hisar, vide which the objections filed by the J.D.-defendant to the effect that the execution is not maintainable and decree is not executable, were dismissed.

Heard.

It comes out that a decree was passed against the J.D.-defendant, who happens to be a practicing lawyer at Hisar Courts for recovery of ₹3,96,993/- along with future interest @ 15.75% per annum from the date of filing of the suit till the pronouncement of judgment and plaintiff bank was further held entitled to future interest @ 6% per annum from the date of pronouncement of judgment till its realization.

It was further directed that plaintiff will lift the hypothecated car and sell the same and the remaining amount if any lying in GPF and gratuity can be recovered from the terminal dues of judgment debtor. If the JD-defendant is not found eligible for terminal dues, the recovery can be effected from his other assets.

It is contended that the appeal against the said judgment and decree is pending. However no stay has been granted. The execution has been filed in which objections have been filed, stating that execution is not maintainable and decree is not executable.

I am of the view that a decree for recovery was passed and there is nothing on the record to show that the decree is not executable. Even if, the appeal is filed and no stay has been granted, it is no ground to hold that the execution is not maintainable. The suit was filed by the Bank.

Learned counsel for the petitioner contends that the car was not taken into possession. However, the Bank has taken the stand before the trial Court that now the car is more than 18 years old and cannot be sold because the registration authority would not issue passing certificate of the said car.

Therefore, It was further contended that no terminal dues are payable. The suit was filed by the J.D.-defendant for mandatory injunction seeking terminal dues is pending.

It being so, the bank can always press for execution of the said decree in the absence of any stay from any competent Court. Thus, there is no ground to interfere in the impugned order.

As such, the present revision petition is dismissed. Since the main revision petition has been dismissed, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

March 20, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No