

Civil Revision No.2449 of 2018

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

**Civil Revision No.2449 of 2018
Date of Decision: 18.04.2018**

Raj Kumar and another

... Petitioners

Versus

Gurcharan Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. H.R.Bhardwaj, Advocate,
for the petitioners.

INDERJIT SINGH, J.

Petitioners-Raj Kumar and Mohan Lal have filed this revision under Article 227 of the Constitution of India with a prayer for setting aside impugned order dated 03.04.2018 passed by learned Additional Civil Judge(Sr. Divn.), Sangrur vide which the petitioners were directed to deposit the security on a very higher side.

I have heard learned counsel for the petitioners and have gone through the impugned order.

An application was filed by learned counsel for the petitioners/judgment debtors under Order 41 Rule 6(2) CPC by submitting that the judgment debtors have filed SLP before the Hon' ble Supreme Court for assailing the judgment of the trial Court in favour of the respondent/decreed holder and that during pendency of the SLP, the

Civil Revision No.2449 of 2018

instant execution may be stayed and the judgment debtors were ready to deposit the security as may be deemed fit. On the other hand, learned counsel for the decree holder submitted that the application may be disposed of as per law.

Learned Additional Civil Judge (Sr. Divn.), Sangrur after considering the facts that SLP is pending and it will be in the interest of justice to afford an opportunity to the judgment debtors to avail their constitutional and statutory right of appeal, allowed the application, subject to furnishing security in the shape of FDR in the name of the Court in the sum of ₹25,00,000/-. The Executing Court has also passed the order keeping in view the fact that as per the plaint, the total sale consideration under the agreement was ₹12,50,000/- and if the alternate relief is to be granted, then the amount shall be double of the sale consideration, which would be ₹25,00,000/-.

Perusal of the impugned order shows that while passing it, no illegality has been committed by the Executing Court. Learned counsel for the petitioners has not pointed out any illegality in the impugned order.

The judgments debtors/petitioners themselves have not stated that they are ready to furnish less amount of security, rather it looks that they have mentioned in the application that they are ready to deposit the security as may be deemed fit.

Keeping in view the above facts, I find that no illegality has been committed by the Executing Court while passing the impugned

Civil Revision No.2449 of 2018

order. Therefore, finding no merit in the present revision, the same is dismissed.

18.04.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No