

Civil Revision No.3761-2018

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Revision No.3761-2018

Date of Decision: 31.05.2018

Municipal Corporation, Amritsar and others

... Petitioners

Versus

Parwinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sanjeev Soni, Advocate,
for the petitioners.

INDERJIT SINGH, J. (Oral)

Petitioners have filed this revision under Article 227 of the Constitution of India for setting aside the order dated 26.02.2018 (Annexure P-6) whereby objections filed by the judgment debtors-petitioners were dismissed and the order dated 21.04.2018 (Annexure P-7) whereby warrants of attachment of property of the judgment debtors-petitioners have been issued.

Learned counsel for the petitioners contends that entire principal amount has already been paid in view of the terms and conditions of the compromise, but there is a default in payment of interest which is for the small period and now the petitioners are ready to pay the interest amount on the next date before the Executing Court.

Learned counsel for the petitioners restricts his prayer only to stay/recall warrants of attachment of property of judgment debtors, which have been issued for the whole amount, which has already been paid.

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In view of the prayer of learned counsel for the petitioners which is genuine one as principal amount has already been paid, therefore, warrants of attachment of the property of the judgment debtors-petitioners can be issued for the interest amount, not qua the entire amount.

As such, the Executing Court is directed to calculate the amount due and then issue warrants of attachment of property of the judgment debtors for that amount, if the interest is not paid by the petitioners on the date fixed before the Executing Court.

As the warrants of attachment of the property of judgment debtors have been wrongly issued for the whole amount, therefore, these warrants shall not be executed till the next date and the same be withdrawn.

Disposed of accordingly.

31.05.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No