

CR No.537 of 2018 (O&M)

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

CR No.537 of 2018 (O&M)

Date of decision:25.01.2018

Mewa Devi and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CR No.539 of 2018 (O&M)

Sulekh Chand and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Karan Singh, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

This order of mine shall dispose of two revision petitions bearing Nos.537 and 539 of 2018.

The present revision petitions have been filed seeking appropriate direction to the Execution Court, i.e., Additional District Judge, Yamuna Nagar for expeditious disposal of the execution petition dated 12.09.2016 bearing No.327 of 2016 titled as “Mewa Devi and another Vs. State of Haryana and others”, in CR No.537 of 2018 and execution petition dated 12.09.2016 bearing No. 584 of 2016 titled as “Sulekh Chand and another Vs. State of Haryana and others” in CR No.539 of 2018 seeking execution of the decree dated 03.03.2010 merged in the decree dated

05.05.2016 of this Court passed in RFA No.3356 of 2010 titled as “State of Haryana and another vs. Santokh Singh and others”.

Mr. Karan Singh, learned counsel appearing on behalf of the petitioners submitted that the aforementioned execution application was moved on 12.09.2016 where the Court had taken cognizance and sought the report of Ahlmad. On receipt of Ahlmad, notice was issued to JDs for 27.01.2017. On 01.04.2017, Sh. Rahil, SDO, Irrigation appeared and sought time to make the payment. The order dated 01.04.2017 reads as under:-

*“Present: Sh. Parmod Bansal, counsel for DHs.
Sh. Kasturi Lal, GP assisted by Sh. Rahil Saini,
SDO, Irrigation Department for JDs.*

*Sh. Rahil Saini, SDO, Irrigation appeared on
behalf of JDs. Service complete. Now to come up on
26.07.2017 for making payment by JDs.*

*(Sartaj Baswana)
ADJ/Jagadhari/1.4.2017.”*

On 26.07.2017, following order was passed:-

*“Mewa Devi and another vs. State of Haryana (Exe-580 of
2016)*

*Present: Sh. Parmod Bansal, counsel for Dhs.
Sh. Sanjeev Kumar, GP assisted by Sh. Subhash
Chander, SDO, Irrigation Deptt. for JDs.*

Payment not made. Requested for adjournment.

*Allowed. At request, adjourned to 27.01.2018 for making
payment by JDs.*

*(Naresh Katyal)
ADJ/Jagadhari*

Date of order 26.7.2017”

He further submitted that the Court should not be liberal in granting the numerous opportunities to the respondent-judgment debtors as the element of interest is increasing day by day which would cause financial loss to the State exchequer, for, officers should not be callous and lackadaisical.

I have heard the learned counsel for the petitioners, appraised the paper book and of the view that it is a fit case where an appropriate direction is required to be issued to the Executing Court for expeditious disposal of the execution application, *ibid*, noticing the fact that 3-4 opportunities have already been taken by the respondents for making the payment.

In my view, the Court should sensitize the officers who were oblivious of the element of interest accruing day by day. Time may come whereby interest part may not be burdened on the officers for not honoring the decree with due diligence.

Resultantly, the trial Court is directed to expedite the disposal of the execution application as expeditiously as possible preferably within a period of six months from the date of receipt of a certified copy of this order.

Accordingly, revision petitions stand disposed of.

(AMIT RAWAL)
JUDGE

January 25, 2018

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Whether Speaking/Reasoned

Whether Reportable

Yes/No

Yes/No