

121

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

**Civil Revision No.5591 of 2018
Date of Decision: 28.08.2018**

DARSHAN SINGH

.....Petitioner

Vs

HARDEV SINGH

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Siddharth Gupta, Advocate
along with petitioner-in-person.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has assailed the order dated 08.05.2018 and 02.07.2018 passed by the Addl. Civil Judge (Sr. Divn.). Phul District Bathinda whereby the property owned by the petitioner/ judgment-debtor was put on sale by way of auction.

Vide Judgment and decree dated 13.08.2015 passed by the Addl. Civil Judge (Sr. Divn.) Phul, the suit of the plaintiff was decreed with proportionate costs for the amount of Rs.5 lakhs along with interest @12% per annum from the date of execution of *pronote* till date. Plaintiff was also held entitled to future interests @ 6% per annum from the date of decree till final realization of the amount.

At one point of time, statement of the judgment-debtor/petitioner was recorded that he being an employee in the office of Water Sanitation Department was ready to offer deduction of his 1/3rd salary towards realization of the decretal amount. The said deduction was considered to be meager to satisfy the decree, therefore, the Court proceeded to auction the attached property in accordance with law vide impugned order dated 02.07.2018.

Perusal of the order dated 04.08.2018 would also show that the attempts made by the executing Court for putting the property to auction after *munadi* and proclamation, the same has not yielded any positive result so far and now the execution is fixed for 05.09.2018.

I have considered the submissions made by learned counsel for the petitioner.

Petitioner has shown his readiness and willingness to answer the claim of the plaintiff in entirety along with interest in two equal installments. The first installment of 50% of the due amount till date shall be paid by him within a period of two weeks from today and remaining amount shall be paid after four weeks from the date of payment of first installment.

The executing Court shall defer the proceedings till the expiry of date prescribed for second installment. If the first

installment is not paid within time so specified, the executing Court shall proceed to dispose of the property in accordance with law. The same principle would apply in case of default for making the second installment.

With the aforesaid observation, this revision petition is disposed of.

August 28, 2018

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No