

(116) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8110 of 2018

Date of decision : 04.12.2018

Jaspal Singh

... Petitioner

Versus

Jaspreet Kaur and another

.... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present : Mr. Kamalpreet Bawa, Advocate for the petitioner.

B.S. WALIA, J. (ORAL)

[1] Learned counsel for the petitioner states that the petitioner has not deposited the amount of ₹ 50,000/- with the learned Executing Court in terms of order dated 29.11.2018.

[2] Revision Petition under Article 227 of the Constitution of India had been filed praying for setting aside order dated 29.10.2018 (Annexure P-1) passed by the learned Additional Civil Judge (Sr. Div.), Rupnagar issuing warrants of sale on the ground that he was ready to make payment of decretal amount if some time was granted by this Court.

[3] Noticing the aforementioned contention on behalf of the petitioner, sale proceedings scheduled for 03.12.2018 were directed not to be carried out till further orders subject to deposit of ₹ 50,000/- with the learned Executing Court on or before 03.12.2018 and the balance amount within one month thereafter. It was also made clear that in case the amount of ₹ 50,000/- was not deposited on or before 03.12.2018, there would be no stay qua the sale proceedings.

[4] Today, it has been stated by the learned counsel that the amount ordered to be deposited in terms of order dated 29.11.2018 with the learned Executing Court has not been deposited. Order 21 Rule 22 CPC provides for issuance of notice where an application for execution is made more than two years after the date of the decree requiring the person against whom the execution application has been filed to show cause why the decree should not be executed against him. In the instant case, the application for execution has been filed within a period of two years. Accordingly, no circumstance exists warranting interference by this Court especially in the light of non-compliance with order dated 29.11.2018 in terms of undertaking made before this Court.

[5] In view of the above, Revision petition is dismissed.

(B.S. Walia)
Judge

04.12.2018
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| 1. | Whether speaking/reasoned | : | Yes/No. |
| 2. | Whether reportable | : | Yes/No. |