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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.8334 of 2017 (O&M)
Date of Decision: 06.09.2018

TARSEM LAL SINGLA

.....Petitioner

Vs

STATE OF PUNJAB AND ANR

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sunny Deep Joneja, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred by the petitioner against the order dated 01.09 2016 passed by the Civil Judge (Jr. Divn.) Chandigarh vide which execution was dismissed being fully satisfied.

[2]. While issuing notice of motion on 20.12.2017, following order was passed by the Co-ordinate Bench of this Court:-

“Counsel for the petitioner would urge that order passed by the court below disposing of the execution petition is non-speaking and sketchy. The petitioner placed on record calculations showing the outstanding liability of the respondents-judgment debtors but the court below has not adverted to those calculations much less rejecting the same on any count whatever.

Notice of motion for 8.3.2018.”

[3]. Thereafter respondent No.1 was proceeded against *ex parte* vide order dated 08.03.2018. Fresh notice was ordered to be issued to respondent No.2.

[4]. As per office report dated 04.09.2018, notice issued to respondent No.2 has been received back duly served. Respondent No.2 is the Chief Engineer Canals Irrigation Work, Punjab in his official capacity. Since respondent No.1-State of Punjab has already been proceeded against *ex parte*, therefore, respondent No.2 can also be proceeded against *ex parte*. Ordered accordingly.

[5]. Nature of dispute involved in the present petition is that the decree-holder/claimant filed his calculations before the Executing Court i.e. Civil Judge (Jr. Divn.) Chandigarh which are annexed as Annexure P-4 with the present revision petition. The executing Court vide the impugned order dated 01.09.2016 has relied upon calculations submitted by the judgment-debtor and solely on that premise dismissed the execution as fully satisfied.

[6]. The only grievance of the petitioner is that the calculations submitted by the petitioner were not considered while passing the aforesaid impugned order. The decree cannot be held to be satisfied as the due amount qua interest component has not been paid to the petitioner in accordance

with law. Perusal of the impugned order would further show that the same has not dealt with the calculations submitted by the petitioner.

[7]. At this stage, it would be appropriate to direct the executing Court to revisit the order dated 01.09.2016 and take into consideration the calculations submitted by both the parties in accordance with law and pass a fresh order thereafter. Ordered accordingly.

[8]. With the aforesaid observation, the present revision petition is disposed of.

September 06, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No