

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

**CR No.9136 of 2017
Date of decision:25.01.2018**

Prem Singh and another ... Petitioners

Vs.

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

AMIT RAWAL J. (Oral)

The present revision petition has been filed seeking appropriate direction to the Execution Court, i.e., Additional District Judge, Yamuna Nagar for expeditious disposal of the execution petition dated 13.07.2016 bearing No.174 of 2016 titled as “Prem Singh and another Vs. State of Haryana and others”, 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 petitioner submitted that the aforementioned execution application was moved on 13.07.2016 where the Court had taken cognizance by seeking report of the Ahlmad. On receipt of the same, notice was issued to JDs for 25.01.2017. On 25.01.2017, Sh. Rahil, SDO, Irrigation appeared and sought

time to make the payment. The order dated 25.01.2017 reads as under:-

“Prem Singh and another Vs. State of Haryana etc.

(Exe.353 of 2016)

Present: Sh. Brijesh Chauhan, proxy counsel for Sh. D.S. Nirmal, counsel for Dhs.

Sh. Sudhir Kumar, GP for JD No.1.

Sh. Rahil, SDO on behalf of JDS No.2 and 3.

Sh. Rahil, SDO, Irrigation appeared on behalf of

JD No.2 and 3. Service complete. Now to come up on 5.4.2017

for making payment by JDs.

(Sartaj Baswana)

ADJ/Jagadhari/25.1.2017.”

On 5.4.2017, again adjournment was sought and the matter was adjourned to 21.07.2017. The order dated 05.04.2017 reads as under:-

“Prem Singh and another Vs. State of Haryana etc.

(Exe.353 of 2016)

Present: Sh. D.S. Nirmal, counsel for DHs.

Sh. Sudhir Kumar, GP for JD No.1.

Sh. Rahil, SDO on behalf of JDS No.2 and 3.

Requisite affidavit regarding stay from any appellate Court filed. Payment not made. Requested for adjournment. Allowed. At request, adjourned to 21.7.2017 for making payment by JDs.

(Sartaj Baswana)

ADJ/Jagadhari/5.4.2017.”

On 21.07.2017, again payment was not made and the matter was adjourned to 19.01.2018. The order dated 21.07.2017 reads as under:-

*“Present: Sh. D.S. Nirmal, counsel for DH.
Sh. Sanjeev Kumar, GP Assisted by Sh. Anil
Kumar, Patwari for JD No.1.
Sh. Subhash Chander for JDs No.2 and 3.*

Payment not made. Requested for adjournment.

*Allowed. At request, adjourned to 19.1.2018 for making
payment by Jds. Requisite affidavit regarding stay from any
appellate court not filed, same be also filed on the next date..*

*(Naresh Katyal)
ADJ/Jagadhari*

Date of order:21.07.2017 UID No.HR0057”

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 the financial loss to the State exchequer and the Government should not be liberal or callous or adopt lackadaisical approach.

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 are oblivious of the accrual 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 and on time.

Resultantly, the trial Court is directed to dispose 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 petition stands disposed of.

January 25, 2018

savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No