

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

CWP No.11517 of 2017

Date of Decision:15.01.2018

Jagdish Kumar

.....Petitioner

Vs.

**Sub Divisional Officer-cum-A.C. Ist Grade,
Meham and another**

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present:- Mr. Virender Soni, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. AG, Haryana.

Mr. D.S. Bainola, Advocate for respondent No.2.

SURYA KANT, J. (Oral)

The petitioner is a borrower who availed agricultural loan from respondent No.2- Haryana Kshetriya Gramin Bank, Bahu Akbarpur, Rohtak Branch. As the petitioner failed to pay the due instalments, the Bank filed recovery claim under the provisions of Haryana Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1973. The Court of SDO (Civil), Meham passed an order in favour of the Bank on 25.11.2005 decreeing the claim for a sum of ₹5,21,368/- along with expenses. The above stated order was passed ex parte.

Thereafter, the Bank filed execution proceedings in which the petitioner/ judgment debtor filed an application seeking stay of the execution proceedings as he claimed that the loan amount had already been paid. The said application has been dismissed by Assistant Collector Ist

Grade, Meham vide impugned order dated 21.04.2017 without assigning any reason. Being aggrieved, the petitioner has approached this Court.

It was not in dispute that the petitioner has deposited a sum of ₹5,21,368/- by way of two demand drafts produced in this Court on 31.05.2017. According to the Bank, the petitioner is still liable to pay the arrears of interest but the petitioner is disputing such claim.

Since the objection application filed by the petitioner has been dismissed by the Executing Court without assigning any reason, we are of the considered view that the above-noticed rival contentions need to be adjudicated by the Executing Authority. The Executing Authority will also look into the matter whether there was any settlement between the parties and if so, whether it has been honored by the petitioner or not.

In this view of the matter, we allow the writ petition in part; set aside the impugned order dated 21.04.2017 and direct the Assistant Collector Ist Grade, Meham to decide the objection application filed by the petitioner by way of a reasoned order and in accordance with law. The parties are directed to appear before the above stated authority on 12.02.2018. Let the appropriate order be passed within a period of three months.

(SURYA KANT)
JUDGE

January 15, 2018
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(SHEKHER DHAWAN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No