

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

RSA No. 4301 of 2011 (O&M)

Date of decision: 15.10.2018

Kailashwati (since deceased) through LRs. and ors.

.. Appellants

vs.

Gurjant Singh and ors.

.. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Arihant Jain, Advocate
for the appellants.

Mr. Rajinder Goyal, Advocate and
Mr. R.K. Bansal, Advocate
for the respondents.

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Harinder Singh Sidhu, J.

Civil suit for recovery of Rs.15,50,770/- alongwith interest filed by the respondents was dismissed by the trial Court. However, the appeal filed by them was allowed by learned Additional District Judge, Sangrur vide judgment dated 01.06.2011. The respondents were held entitled to recover Rs.14,83,101.20 paise alongwith interest @ 6% per annum on the decretal amount from the date of filing the suit till its realization. It was also directed that they could recover the same by selling the land of Krishan Chand, predecessor-in-interest of the present appellants.

The defendants in the suit have filed this regular second appeal against the judgment and decree of lower Appellate Court.

Initially vide order dated July 5, 2012, the execution of the impugned decree was directed to remain stayed. However, on account of the failure of the defendants-appellants to comply with the provisions of Order 41 Rule 1(3) of the Code of Civil Procedure, the stay was vacated, subsequently on 11.11.2013.

In execution of the decree, the share of the defendants-appellants in a godown has been auctioned for an amount 20,50,000/- in favour of the decree holder-respondent No.1(Gurjant Singh).It has been so recorded in the order of learned Executing Court dated 04.04.2018 that the decree holders-Gurwinder Singh, Mandeep Singh, Gaminder Singh and Baldev Singh have received the decreetal amount qua their shares from Gurjant Singh. They stated that they have no objection if the sale certificate is issued in favour of Gurjant Singh. Vide said order, it was also directed that the sale certificate be issued in favour of Gurjant Singh as per rules.

Learned counsel for the parties on instructions from their respective clients, who are present in person state that the matter has been resolved between them, as per which, the appellants would pay Rs.20,00,000/- within one month from today to respondent-Gurjant Singh.

It is stated that the date before the Executing Court is 19.10.2018. The executing Court is requested to adjourn the proceedings to 15.11.2018, on which date the appellants would make the payment of the aforesaid agreed amount to Gurjant Singh. After the payment is made, the execution would stand satisfied and the sale certificate issued in favour of the decree holder-Gurjant Singh would be set aside.

The regular second appeal is disposed of on the aforesaid terms.

15.10.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No