

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

101

CR No.2036 of 2015 (O&M)

Date of decision:30.5.2019

Nirmal Singh through LR Balbir Kaur

...Petitioner

versus

Bachan Singh through LRs

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Puneet Jindal, Sr.Advocate, with
Mr.Tajinder Singh, Advocate,
for the petitioner
Mr.G.N.Malik, Advocate,
for respondent no.1
Mr.Gurcharan Dass, Advocate,
for respondents no.2 to 5
...

AMOL RATTAN SINGH, J. (Oral)

1. Pursuant to the order dated 22.5.2019, Mr.Malik and Mr.Gurcharan Dass have both taken instructions to the effect that in the two civil suits filed by their respective clients against each other, status quo has been ordered qua the suit property as is subject matter of those two suits.

Thus the question of the bequeathment of the father of respondents no.2 to 5, by virtue of a will set up by respondent no.1 in the execution proceedings in the present *lis*, as also in the civil suits in the other *lis*, is still not decided.

Those suits are stated to be at a stage when the plaintiffs'

evidence has been concluded (with both the suits having been clubbed together) and now for the defendants' evidence, they have been posted for hearing to July 2019.

2. Though the challenge in the present petition is to the impugned order by which the objections filed by the petitioner-JD have been dismissed, Mr.Puneet Jindal, learned Senior Counsel appearing for the petitioner, had on the last date of hearing submitted that the petitioner is willing to deposit the decretal amount of Rs.1,31,250/- with the Execution Court, so that the property of the petitioner as has been attached by that Court, could be released.

3. Consequently, keeping in view all the facts above, this petition is disposed of with a direction that upon the petitioner depositing the decretal amount as determined by the learned Execution Court, it shall be disbursed to respondent no.1 only upon him furnishing a bank guarantee equivalent to the amount, essentially in favour of respondents no.2 to 5 herein, as has been very fairly stated by Mr.Malik, in view of the pendency of the other *lis* inter-se between the said respondents.

It is also to be noticed that, as a matter of fact, respondents no.2 to 5 having withdrawn the application they had initially filed seeking execution of the decree in favour of their late father, with respondent no.1 now being the only person seeking execution of that decree. However, this order has been passed to try and avoid future litigation in the circumstances of this case, on the statement very fairly made by Mr.Malik on behalf of respondent no.1.

Naturally, upon the deposit of the decretal amount by the

petitioner with the learned Execution Court, the charge as has been created on his property attached, would be discharged.

30.5.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No