

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

Civil Revision No. 301 of 2019

Date of Decision: 17.01.2019

Jarnail Singh

.....Petitioner

Versus

Madan Lal

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

**Present: Ms. Gurvir Kaur Gill, Advocate
for the petitioner.**

AVNEESH JHINGAN, J.(oral)

Aggrieved of the orders dated 28.11.2011 and 10.12.2018 passed by the Civil Judge (Junior Division), Fazilka, in Execution Application No.EXE/247/2016, the present civil revision petition has been filed.

The facts in brief are that the respondent-plaintiff filed a suit for recovery of Rs. 1,72,000/- along with future interest at the rate of 24% per annum. The suit was decreed vide judgment and decree dated 8.6.2011. The decree-holder was entitled to recover Rs. 1 lakh with costs along with future interest at the rate of 9% per annum from the date of execution of pronote dated 23.5.2003 till passing of the decree and thereafter 6% per annum till actual realization. The petitioner preferred an appeal against the said judgment and decree, the same was dismissed.

In the meantime, the respondent filed execution application dated 5.9.2016, in which conditional arrest warrants were issued.

Aggrieved of the said order, the present revision petition has

been filed.

Learned counsel for the petitioner argued that an application for setting aside ex-parte proceedings has been filed yet the conditional warrants have been issued.

The contention raised lacks merit.

It has not been mentioned in the petition as to when the petitioner was proceeded ex-parte. From the perusal of some of the zimni orders reproduced, it appears that since 2016 ex-parte proceedings are going on against the petitioner and it is only in 2018 i.e. after delaying the execution proceedings that a petition had been filed for setting aside ex-parte proceedings. Further from order dated 9.9.2016 it is evident that notice issued to the petitioner was received back with the report of refusal. It was only in such circumstances that the Executing Court was left with no other alternative except to issue conditional warrants. The decree is of 2011 and the petitioner has been able to delay the matter till 2018.

No interference is called for in the impugned orders.

The revision petition is dismissed.

17.01.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No