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

CR No. 3255 of 2018

Date of Decision: 05.07.2019

Hawa Singh

-Petitioner

Vs

Ram Karan

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vijay Kumar Sheoran, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

1. As per office report, respondent has been duly served.
2. Petitioner has challenged the order dated 18.04.2018 passed by Additional Civil Judge (Senior Division), Loharu vide which petitioner has been held liable to pay Rs.79,568/- to the decree holder.
3. Perusal of the record would show that RSA No.3164 of 2015 was decided by the High Court on 04.07.2017 on consensus basis. The appeal was partly allowed and the impugned judgments and decrees passed by the Courts below were modified to the extent of awarding payable interest @ 9% per annum from the date of accrual till final realization of the

amount.

4. It was noticed that an amount of Rs.80,000/- has already been paid to the decree holder in view of orders passed by the High court and that amount was to be adjusted towards final amount payable to the decree holder.

5. Petitioner undertook to deposit the remaining amount in terms of agreed stand before the Executing Court within next three months from the date of passing of order dated 04.07.2017.

6. It appears from the record that some statement has been made by the petitioner before the Executing Court on 14.03.2018, admitting his liability to pay an amount of Rs.79,568/- to the decree holder.

7. Learned counsel for the petitioner submits that the statement suffered by the petitioner was on account of some mis-conception. Infact, remaining amount is not to the tune of Rs.79,568/-, rather the same is on lesser side in view of agreed order passed by the High Court in RSA No.3164 of 2015 on 04.07.2017.

8. It is evident that the statement suffered by the petitioner before the Executing Court on 14.03.2018 has not been withdrawn so far, nor the same has been explained by way of moving application before the same Court.

9. In view of State of Maharashtra vs. Ramdas Shrinivas Nayak and another, 1982 AIR (SC) 1249; Commissioner of Customs, Mumbai vs. Bureau Veritas and others, (2005) 3 Supreme Court Cases 265; Jagvir Singh & Ors. vs. State (Delhi Admn.), 2007(3) R.C.R. (Civil) 375 and Om Parkash vs. Principal, Government Sr. Secondary School, Nilokheri and others, 2012(19) R.C.R. (Civil) 279, petitioner is required to approach the same Court in order to demonstrate the circumstances in which the said statement was made before the Court.

10. In view of above, it would be just and expedient to allow the petitioner to approach the same Court and file an appropriate application, explaining his position and circumstances in which said statement was made. In the event of doing so, the Executing Court shall decide the application in accordance with law after appreciating the controversy and the order passed by the High Court in RSA No.3164 of 2015 on 04.07.2017.

11. Disposed of.

05.07.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |