

(201) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5472 of 2018
Date of decision : 09.07.2019

Naresh Kumar

.... Petitioner

Versus

Hari Krishan

.... Respondent

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

Mr. K.R. Dhawan, Advocate for respondent No.1.

B.S. Walia, J. (Oral)

[1] Challenge is to order, Annexure P-10, dated 19.05.2018 passed by the Court of Sh. Kushal Singla, learned Civil Judge (Jr. Div.), Chandigarh dismissing the objections filed by the petitioner and directing that the amount received by the attachment of salary of the petitioner/JD be released in favour of the decree-holder/respondent No.1 to satisfy the decree obtained by him against JD No.1 i.e. petitioner.

[2] During the course of hearing, learned counsel for the parties, on the basis of the submissions, have arrived at a mutual settlement as per which the total amount payable by the petitioner to the respondent had been settled at ₹ 1,28,984/-. The petitioner would make payment of ₹ 91,983.50/- (rounded off ₹ 92,000/-) to the respondent within three days from today by

way of Demand Draft. For the deficient balance amount, learned counsel for the petitioner states that in fact seven installments of deduction of ₹ 14,127/- had been made from the salary of the petitioner from September, 2018 to March 2019 on 11.10.2018, 14.11.2018, 12.12.2018, 08.01.2019, 16.02.2019, 13.03.2019 and 20.05.2019 but only six installments had been received by the Executing Court, out of which payment qua three installments had been made to respondent No.1 and remaining outstanding qua four installments out of which the Executing Court had received only three installments from the employer of the petitioner.

Learned counsel for the petitioner on the other hand, in the light of the submissions made above, has produced on record a copy of the communication dated 08.07.2019, by the Drawing & Disbursing Officer, PGI, Chandigarh reflecting deduction of seven installments as noted above. Copy of the communication dated 08.07.2019 issued by the Drawing & Disbursing Officer, PGI is taken on record as Mark - 'A'.

[3] Learned counsel for the parties state that for the balance amount (i.e. ₹ 1,28,984/- - ₹ 92,000/- = ₹ 36,984/-) , the parties would move an appropriate application before the Executing Court for releasing of the balance amount.

[4] Learned counsel for the parties further state that the revision petition be disposed of in the aforementioned terms.

[5] Accordingly, in the light of the position as noted above, the Revision Petition is disposed of. The petitioner would hand over Demand Draft amounting to ₹ 92,000/- in the name of the respondent to his counsel within three days from today. Thereafter, the parties would move an appropriate application before the learned Executing Court for adjudication

position as noted above. In case, the Demand Draft is not handed over to the learned counsel for respondent in the manner as stipulated above, the Revision Petition shall stand dismissed.

09.07.2019

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(B.S. Walia)
Judge

1. Whether speaking/reasoned:

Yes/No.
2. Whether reportable :

Yes/No.