

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

**CR No.6629 of 2017(O&M)
Date of Decision: 06.03.2019**

Ram Chander Sarwahan

.....Petitioner

Versus

Superintendent District Jail, Sonapat

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Manoj Sharma, Advocate for
Mr. Amit Khatkar, Advocate
for the petitioner.

Mr. R.T. Redhu, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed the order dated 07.09.2017 passed by Civil Judge (Senior Division), Sonapat in execution of a decree for recovery of the decretal amount along with interest against the petitioner.

[2]. Petitioner stands retired. He was serving as Jail Superintendent, Sonapat. Petitioner is aged about 83 years. He showed his inability to pay the decretal amount in one go owing to his limited resources after retirement. He undertook to pay 1/3rd of his monthly pension for answering the liability against

him.

[3]. At the time of issuance of notice of motion on 26.09.2017, following order was passed:-

“Learned counsel for the petitioner, inter alia, contends that since the petitioner is a retired Govt. official and he is 83 years old, he would be unable to pay the decretal amount in one go as the only source of livelihood of the petitioner is his monthly pension. He further submits that since the decretal amount is to be paid by the petitioner to the same State Govt. from which he is drawing his pension, petitioner is ready to give an undertaking that a reasonable amount to the extent of 1/3rd may be deducted every month from his pension.

Notice of motion for 14.12.2017.

Subject to furnishing an undertaking by the petitioner within a period of two weeks from today before the learned executing court, operation of the impugned order shall remain stayed beyond the amount of 1/3rd monthly pension of the petitioner.”

[4]. Today, learned counsel for the petitioner has produced on record the order 06.10.2017 passed by Civil Judge (Senior Division), Sonapat, wherein it has been recorded that the petitioner has furnished an affidavit that he is drawing pension vide PPO No.50880, Account No.550522362019 with State Bank of India, Pankha Road, Janakpuri, Delhi. He also stated before the Court that he has no objection in case deduction to the extent of 1/3rd from his monthly pension is effected. Civil Judge (Senior Division), Sonapat has passed the aforesaid

order in that context.

[5]. Learned counsel for the petitioner submitted at the bar that the deduction to the extent of 1/3rd amount from his monthly pension has started and the amount is being credited in favour of the decree holder regularly.

[6]. In view of aforesaid factual position, this revision petition is disposed of, however, it is made clear that in case of any eventuality when recovery of the entire amount from the pension of the petitioner becomes impossible, decree holder would be entitled to recover the same from other assets of the judgment debtor/petitioner in accordance with law.

06.03.2019

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No