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

**Civil Revision No.6914 of 2018 (O&M)
Date of Decision:18.03.2019**

**M/S VIRK TRADING COMMISSION AGENTS
.....Petitioner**

Vs

**BALDEV SINGH (DECEASED) THROUGH LR'S AND
ANOTHER
....Respondents**

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

Present:Mr. Lokesh Vohra, Advocate
for the petitioner.

Mr. Kamal Narula, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the orders dated 16.07.2016 and 06.03.2017 passed by the Civil Judge (Sr. Divn.) Ferozepur vide which conditional warrants of arrest were issued against the petitioner and the application for recalling of the aforesaid order was dismissed.

[2]. This Court while issuing notice of motion on 10.10.2018, granted indulgence in terms of staying the execution of warrants subject to the obligation undertaken by the petitioner. On that day, learned counsel for the petitioner

contended that in case of money decree, mode of execution was by way of attachment and sale of property. In order to execute such a decree, the decree holder was required to file list of properties of the judgment-debtor. Since no list of properties was given by the decree holder in terms of Order 21 Rules 35 and 66 CPC, the executing Court could not have resorted to Order 21 Rule 37 CPC.

[3]. For granting indulgence in favour of the petitioner, the petitioner showed his readiness to pay the decretal amount along with interest till date in two installments. Petitioner also undertook to pay first installment within one month from 10.10.2018. Second installment was payable one month thereafter. Notice of motion was issued and petitioner was given liberty to deposit half of the decretal amount before the executing Court on or before the date fixed. In the event of doing so, the amount was to be paid to the decree holder to the satisfaction of the executing Court.

[4]. Learned counsel appearing on behalf of the respondents submitted that the aforesaid order has not been complied with and the petitioner has availed the concession of stay without there being any real intention to fulfill his obligation arising out of the same.

[5]. Learned counsel for the petitioner has admitted that no amount has been paid by the petitioner so far towards first and second installments as undertaken by him on 10.10.2018. Learned counsel further submitted that talks regarding compromise are in offing.

[6]. In view of facts and attending circumstances of the case, I find no justification to continue with the case particularly, when the order dated 10.10.2018 has not been complied with by the petitioner. Consequently, this revision petition is dismissed for want of compliance of order dated 10.10.2018.

March 18, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No