

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

216

CR-7920-2015

Date of Decision : 02.12.2019

Krishan Kumar

..... Petitioner

Versus

Indusind Bank Ltd. and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr.Kuldeep Khandelwal, Advocate
for the petitioner.

Mr. Ashwani Talwar, Advocate
for respondent No.1.

NIRMALJIT KAUR, J. (ORAL)

The present revision has been filed against the order dated 03.11.2015 vide which the objections of the petitioners filed in an application for execution were dismissed as well as order dated 16.11.2015 vide which the warrants of arrest were issued against the petitioner-judgment debtor.

Learned counsel for the petitioner while praying for setting aside the said order submitted that the execution petition has been filed before the Court at Hisar which has no jurisdiction. Secondly, as per the procedure laid down in Order 21 Rule 6, the decree can be executed by another Court only subject to a certificate issued by the Court passing the said decree to the extent as to whether the decree has been satisfied or not.

The first argument of the learned counsel has no merit. It is the settled proposition of law that an execution can be filed anywhere in the counter where such decree can be executed.

In the present case, not only is the property of the judgment debtor at Hisar and is also residing there but even the application under Section 34 of the Arbitration and Conciliation Act, 1996 was filed by the petitioner himself before the Courts at Hisar.

The judgment rendered by the Hon'ble Apex Court in the case of **Sundaram Finance Limited vs. Abdul Samad and another, 2018(1) RCR (Civil) 994** is an answer to both the arguments raised by learned counsel for the petitioner. Para 22 of the said judgment reads as under :-

22. We are, thus, unhesitatingly of the view that the enforcement of an award through its execution can be filed anywhere in the country where such decree can be executed and there is no requirement for obtaining a transfer of the decree from the Court, which would have jurisdiction over the arbitral proceedings.

In view of the above settled proposition of law as well as taking into account that the petitioner and his property as well as his residence is at Hisar, no ground for interference is called for.

At this stage, learned counsel for the petitioner states that the decree has already been executed. If it is so, he may bring the said fact to the knowledge of the Executing Court, who shall look into the same and proceed in accordance with law.

02.12.2019
anju

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No