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

CR No. 7972 of 2018 (O&M)
Date of Decision: 10.07.2019

Shri Ram City Union Finance Limited

-Petitioner

Vs

Kuldeep Singh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vinod Kumar Arya, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

CM No.25545-CII of 2018

For the reasons mentioned in the application, delay
of 23 days in filing the present revision petition is condoned.

Application stands disposed of.

Main case

As per office report, service is complete but there is
no representation on behalf of the respondent.

Petitioner has preferred this revision petition against
the order dated 26.09.2018 passed by Additional District Judge,
Barnala dismissing the execution as withdrawn for non-
compliance of the order.

Petitioner is a decree holder. At one point of time, this
revision petition was dismissed for non-prosecution vide order

dated 09.01.2019, however the same was restored, subject to payment of cost(s) of Rs.3000/- to be deposited in High Court Lawyers Welfare Fund.

Evidently, compliance has been made by the petitioner.

In execution, petitioner- decree holder filed an application under Order 21 Rule 37 CPC on the ground that the judgment debtor has not paid the amount intentionally despite having resources to do the needful. The decree holder could not trace out his movable or immovable property except his household articles. The said application was filed on 26.09.2017.

Perusal of the record would show that petitioner- decree holder was directed to file list of properties on 26.09.2018 and on that very day, the application was dismissed for non-prosecution.

There is some omission with regard to impugned order as the anomaly in terms of date i.e. 26.09.2018 cannot be appreciated to mean that reasonable time was given to the decree holder to supply list of properties.

As per the impugned order, the decree holder was directed to file list of properties vide order dated 26.09.2018 and the impugned order came to be passed on 26.09.2018 itself.

In view of aforesaid anomalous situation, it would be just and appropriate to direct the Additional District Judge, Barnala to re-visit the issue and pass fresh order in accordance with law.

10.07.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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