

CR No. 943 of 2019
DECIDED ON: FEBRUARY 11, 2019

.....PETITIONER

....RESPONDENTS

The present civil revision petition has been filed under Article 227 of the Constitution of India, seeking quashing of orders dated 28.01.2019 and 29.01.2019 passed by learned Civil Judge (Jr. Division), Ludhiana (hereinafter referred to as the 'Executing Court') whereby, the petitioner was ordered to be sent to civil prison while exercising powers under Order XXI Rule 30 of the Code of Civil Procedure, 1908.

There is no dispute between the parties that vide judgment and

decree dated 17.09.2018 the respondents/plaintiffs were held entitled to an amount of ₹16,54,000/- alongwith interest @9% per annum. Though, the afore-said judgment and decree has been challenged in appeal. Alongwith the appeal application for condonation of delay as well as for stay have been filed.

Learned counsel for the petitioner states that applications and appeal are pending for 11.03.2019. He offers that petitioner would be paying ₹4,00,000/- upright. He contends that if the petitioner is released he would be paying the decree holders another sum of ₹4,00,000/- on or before 10.03.2019. He further submits that payments would be subject to his rights in appeal.

Learned counsel for the respondents submits that it is a money decree and after a long drawn litigation the suit has been decreed in his favour and he is being denied the benefit of the same.

Without expressing any opinion on the merits of the case and as per the statement of learned counsel for the petitioner, the present civil revision is disposed of with a direction that petitioner shall deposit an amount of ₹4,00,000/- before the Executing Court within three days from today and shall make another payment of sum of ₹4,00,000/- before 10.03.2019. On deposit of initial amount of ₹4,00,000/- petitioner shall be released subject to paying another sum of ₹4,00,000/- before 10.03.2019.

The appellate court shall decide the application for stay as expeditiously as possible. It is, however, clarified that meanwhile, the petitioner shall not alienate or create any incumbrance of any of his immovable property.

Disposed of accordingly.

Needless to add that appellate court shall not be influenced by any

observations made in this order. Moreover this arrangement is till the decision of stay application.

FEBRUARY 11, 2019
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>