

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 3341 of 2019 (O&M)
Date of decision: 29.5.2019

Ajit Singh (deceased) through his LRs

.. Petitioners

v.

The Kahnuwan B/R Housing Building Society Ltd. and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

...

AVNEESH JHINGAN, J. (Oral)

Aggrieved of the order dated 11.3.2019 passed by the Additional Civil Judge (Senior Division), Gurdaspur (hereinafter described as 'the Civil Court') dismissing the objections filed by the petitioners in the execution proceedings, the present civil revision petition has been filed.

The facts in brief are that Ajit Singh, who is represented through legal heirs, took loan of ₹2,60,000/- from respondent No. 1- The Kahnuwan B/R Building Society Ltd. (hereinafter described as 'the Society') on 18.9.2003. Ajit Singh faltered in repayment. He died on 18.6.2004. As there was default in repayment, the matter was referred to the Arbitrator as per terms and conditions of the loan agreement award dated 8.5.2009 was passed. The Society was held entitled to receive payment of ₹4,16,129/- along with interest.

The execution petition was filed. The legal heirs of Ajit Singh

were impleaded as party. Objections were filed by the legal heirs of Ajit

Singh, the said objections were dismissed, hence the present petition.

On 20.5.2019, learned counsel for the petitioners submitted that the petitioners are ready and willing to make the payment as per the award. He stated that ₹50,000/- has already been deposited and to show their *bona-fide* ₹1,50,000/- would be deposited before the Executing Court on or before 29.5.2019. The prayer was that some reasonable time be granted to the petitioners to clear the amount.

The petitioners failed to comply with the undertaking given before this Court on 20.5.2019 and have not deposited ₹1,50,000/- before the Executing Court. The only prayer was to get some time for making the payment as per the award. The *bona-fide* of the petitioners are doubted as they have flouted the undertaking given on 20.5.2019.

There is another aspect of the matter. The award is of the year 2009 and almost more than ten years have passed yet the amount has not been cleared.

No interference is called for in the impugned order passed by the Civil Court.

The revision petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

29.5.2019
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No