

CR No. 5709 of 2019

Date of Decision: 23.9.2019

Samanvay Bhutani

---Petitioner

versus

Azad Singh Kataria

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. R.K.Sharma, Advocate, for the petitioner

Rekha Mittal, J.

Counsel for the petitioner inter alia contends that since this Court had not modified the judgment and decree passed by the First Appellate Court, the respondent-decree holder can only get executed the decree passed by the First Appellate court as it is, thus, not entitle to rate of interest more than what has been allowed by the First Appellate Court.

Perusal of impugned order dated 8.8.2019 passed by the Executing Court would reveal that the court has sought to rely upon certain observations made by this Court while dismissing appeal preferred by the petitioner-judgment debtor to assail the judgments and decrees passed by the courts. The Executing Court is directed to dispose of the matter by recalling order dated 8.8.2019 without being influenced by any observations made by this court.

Before parting with this order, it is pertinent to mention that petition has been disposed of without notice to the respondent. The respondent would be at liberty to file an application before this Court if he has any grievance to express.

(Rekha Mittal)
Judge

23.9.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No