

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

**CR-7768-2019
Decided on : 05.12.2019**

Girdhari Lal

... Petitioner(s)

Versus

The Indian National Cooperative (N.A.)
Thrift and Credit Society Ltd., Hisar.

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Narender Kaajla, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J.

The instant revision petition under Article 227 of the Constitution of India, has been filed for setting aside the order dated 27th November, 2019 (Annexure P-4), whereby, the Civil Judge (Jr. Divn.), Hisar [hereinafter referred to as 'the Ld. CJ(JD)], in Execution Petition No. 2655 of 2017 (The Indian National Co-operative Vs. Girdhari Lal), has ordered the petitioner to undergo civil imprisonment for 30 days in execution proceedings.

Counsel for the petitioner contends that in pursuance to a criminal complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (for brevity 'the NI Act') by the respondent-Society for recovery of ₹ 1,58,126/- from the petitioner, the matter was referred to the Lok Adalat and a compromise was arrived at between the parties. Resultantly, the petitioner suffered a statement to the effect that he would pay ₹ 2,40,000/- to the respondent-Society within 24 months @ ₹ 10,000/- per month along with interest @ 18% per annum. Thereafter, the Lok Adalat passed the

award in favour of the respondent-Society vide order dated 20th November, 2012. However, due to the poor financial condition of the petitioner, he was unable to comply with the award passed by the Lok Adalat. Hence, the decree-holder filed an execution against him claiming the amount with interest. Though the petitioner paid ₹ 2,60,000/- to the respondent-Society, the respondent-Society was not satisfied with the deposited amount and it was in this background, the Ld. CJ(JD), Hisar sent the petitioner to civil imprisonment for 30 days.

Counsel for the petitioner has further contended that the Ld. CJ(JD) erred by ignoring the settled law that any award passed in criminal complaint by the Lok Adalat could not have been enforced by filing the execution in a civil court. It was further contended that when a criminal case was referred to the Lok Adalat and settled by the Lok Adalat, the award passed by it has to be treated only as an order of that criminal court and it cannot be executed as the decree of a civil court.

I have heard the counsel for the petitioner and perused the case file.

It goes without saying that the petitioner himself is responsible for inviting this trouble upon himself. He admittedly appeared in Court on 06.07.2018 in pursuance to the conditional warrant of arrest and requested for time for making the payment of award dated 20.11.2012. Thereafter, despite repeated adjournments to pay the decretal amount, he not only defaulted, but even absented on 09.10.2019 and it was only in pursuance to the conditional warrants of arrest that he finally appeared on 27.11.2019 i.e. the day when the impugned order was passed. Even on that day, he failed to pay the remaining amount of ₹ 2,05,250/-. Hence, the executing Court was

left with no other alternative except to sentence the petitioner to 30 days of civil imprisonment.

Consequently, the present revision petition fails and stands dismissed accordingly.

(MANJARI NEHRU KAUL)
JUDGE

December 05, 2019

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*