

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

CR No.1399 of 2017 (O&M)
Date of decision: 27th February, 2020

R.L. Singla

... Petitioner

Versus

Manu Chugh

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. D.K. Singal, Advocate for the petitioner.

Mr. Anandeshwar Gautam, Advocate for the respondent.

FATEH DEEP SINGH, J.

The present revision has a chequered history. Complainant Manu Chugh filed against accused R.L. Singla a complaint under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'the Act') over a dispute of payment of money. It is during the course of trial of the complaint, the matter was taken up before the Lok Adalat Chandigarh presided by Judicial Magistrate 1st Class. Before the Lok Adalat, a mutual settlement dated 19.01.2016 was arrived at between the parties whereby the accused R.L. Singla undertook that out of the total amount of ₹ 4,10,000/- he would pay first four installments of ₹ 20,000/- each on or before the end of each succeeding month viz 30.04.2016, 30.05.2016, 30.06.2016 and 30.07.2016 and the outstanding of ₹ 3,30,000/- would be

paid in 33 equal installments of ₹ 10,000/- each, out of which ₹ 10,000/- shall be paid on or before 31.08.2016, 30.09.2016, 30.10.2016 next day 30.09.2016 and so till the entire payment of ₹ 3,30,000/-. He further undertook that in case of default of payment of any installment, the same shall be paid by accused before or with the next installment. In case of default of two consecutive installments, the complainant shall be entitled to recover the remaining balance amount along with interest from date of instant award as per law at the rate of 6% per annum, by way of execution of instant award, which has a force of the decree of Civil Court under Section 21 of Legal Services Authority Act. It is subsequent thereto when the accused side defaulted, the complainant moved an execution application bearing No.386 of 2016 before the Court which passed the Lok Adalat Award and prayed for satisfaction of the decretal amount. As if it was not sufficient, the accused (now Judgment Debtor) made all conceivable efforts by resorting to different applications for rejection of the execution application on account of lack of territorial jurisdiction and then moved present revision petition and managed to secure interim order but by which he has failed to abide and thereby forcing the Executing Court to pass orders (Annexure P4) on application under Order XXI Rule 37 CPC as to why the JD be not arrested and detained in civil imprisonment followed by another order dated

18.02.2017 on the application of the JD for recalling of the warrants of arrest issued against him and application for dismissal of the execution application due to lack of territorial jurisdiction. The same is subject matter of challenge before this Court.

Upon appreciating the arguments of the two sides, admittedly the award of the Lok Adalat dated 13.02.2016 is a consensual one on the own voluntariness and settlement between the parties. The same has not been given effect to by the then accused (now JD) and in spite of the best endeavours of the decree holder in moving execution application and getting the award of the Lok Adalat enforced in terms of Section 21 of Legal Services Authority Act, 1987, the JD present petitioner has tried to evade his obligation and hoodwink the Court by moving different applications and thus, unduly delay and prolong the matter for a motivated cause. Learned counsel for the petitioner could not convince this Court as to what illegality or perversity is there in the two orders (Annexures P4 and P5) necessitating intervention by this Court. Rather this Court feels that the very conduct of the present petitioner (JD) is not bona fide and smacks of mischievousness to unduly delay the proceedings and thus frustrate his own stand taken before a Court of law.

There being no merit, the instant revision petition stands dismissed. However, in view of the conduct of the petitioner (JD)

detailed above necessitates dismissing the present petition with special costs of ₹ 20,000/- which shall be paid to the Decree Holder and would form a part of the Award for its execution.

(FATEH DEEP SINGH)
JUDGE

February 27, 2020
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No