

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

CR No.7216 of 2019 (O&M)
Date of decision: 24th February, 2020

Baljinder Singh

... Petitioner

Versus

Jagmeet Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Passi, Advocate for the petitioner.
Mr. Achin Gupta, Advocate for the respondent.

FATEH DEEP SINGH, J.

Present respondent Jagmeet Singh as a plaintiff filed a suit against the present petitioner Baljinder Singh (then defendant) for recovery of ₹ 7.50 lacs along with interest at the rate of 12% per annum with effect from 12.07.2014 till realization along with costs. The Court of Mrs. Kiran Bala, Civil Judge (Senior Division), Faridkot vide judgment and order dated 07.01.2017 decreed the suit of the plaintiff for recovery of ₹ 7.50 lacs by way of principal amount and awarded interest at the rate of 6% per annum from the date of accrual till actual realization of the decretal amount. The Court of learned District Judge, Faridkot vide judgment and decree dated 12.05.2017 dismissed the appeal of the unsuccessful defendant Baljinder Singh and dismissed the same with costs.

It is nobody's case that the said orders have not attained finality. In the execution of the judgment and decree, the Judgment Debtor filed objections under Order XXI Rule 66 CPC and vide orders dated 30.08.2019 dismissing the objections, vide impugned orders of the same very date the learned Civil Judge (Sr. Divn.), Faridkot ordered attachment of the property of the Judgment Debtor subject to furnishing of warrant fee and other legal charges.

The Coordinate Bench while issuing notice of motion to the Decree Holder vide orders dated 16.11.2019 observed as under:-

“In the meanwhile, it is ordered that only that part of attached property is to be sold which shall satisfy the decree, as detailed above. Further, it is ordered that auction proceedings shall not be finalized by the Executing Court.”

What is evident from the petition of the Judgment Debtor, a very conceivable effort has been put to play as a ploy to defeat the expeditious disposal of the execution application filed by the Decree Holder. Having failed to attain his sinister goal at the threshold of the execution when his objections stood dismissed on 30.08.2019, the petitioner earlier thereto on 23.07.2019 had filed application that the land attached is of the value of more than the decretal amount and the whole land should not be put to auction and subsequently vide orders dated 30.08.2019 the said application stood dismissed. Even before this Court learned counsel for the Judgment Debtor has sought to wriggle out by

making commitment to pay ₹ 3.00 lacs but subsequently failed to do so, is in itself illustrative of what is at the back of mind of the Judgment Debtor. As has been contended before this Court, the process for auction of the property of the Judgment Debtor has been put in place and the dates have been detailed in the impugned order. It would be too preposterous in the absence of any overwhelming stand of the petitioner to stay execution of the judgment and decree. Even in his pleadings, similar was the stand of the petitioner but failed to comply with his undertaking and thus, debars him from any sympathetic consideration. The claim of the plaintiff Decree Holder is lingering since 12.07.2014 when the loan was extended and thereafter when the suit was filed on 12.01.2016 before the Court of learned Civil Judge (Sr. Divn.), Faridkot. Much water has flown down the bridge but nothing tangible could materialize from the side of the petitioner to abide by his stand. This Court holds out that the act of the petitioner is no more genuine and bona fide and is mere a tactic to gain time. Apparently there is no procedural lapse or illegality canvassed or highlighted in the arguments of learned counsel for the petitioner necessitating intervention by this Court. The petition being hopelessly without merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 24, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No