

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

CR-1892-2021

Date of Decision: 13.09.2021

PATIALA CENTRAL COOPERATIVE BANK LTD., PATIALA

...Petitioner

Versus

AMRINDER SINGH SOHI AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Naginder Singh Vashist, Advocate
for the petitioner.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Grievance of the petitioner, decree holder-Bank, is qua dismissal of the execution petition by the Executing Court on the ground that the bank has not given the property details of Judgment Debtor No.1 (respondent No.1, herein), who is the prime Judgment Debtor being the loanee.

2. Learned counsel for the petitioner submits that despite best efforts, the bank could not ascertain the property details of Judgment Debtor No.1, since he has left the country. All attempts of the bank to trace him, have been futile. He submits that however, the other two Judgment Debtors (respondents No.2 and 3, herein) being the guarantors qua the loan, are equally liable to be proceeded against for recovery of the decretal amount. He further submits that both the said Judgment Debtors are employees of the bank and therefore, the Bank is in a position to proceed against them.

3. Having heard the arguments, given the nature of order being passed, it is deemed appropriate to dispose of the instant petition without issuing notice to the respondents. Trial Court has since already given liberty to the bank to file subsequent execution petition on discovery of the property details of the Judgment Debtor (respondent no.1), this Court refrains to

interfere in the impugned order to that extent qua the respondent no.1. However, it is made clear that the impugned order dated 28.11.2019 shall operate only qua Judgment Debtor No.1/respondent no.1, the reasons recorded for dismissal of the execution petition are that the bank has not given the details qua him. As regard the others, the bank shall be at liberty to file a subsequent execution petition since they are also stated to be equal Judgment Debtors.

4. However, any subsequent execution petition, to be filed against Judgment Debtors No.2 and 3, shall be subject of course to their rights to file any objections in the execution petition, in accordance with law.

5. The present revision petition is accordingly disposed of with the above observations subject to payment of costs by the petitioners.

6. By way of imposition of costs, the petitioner shall plant 50 trees of deciduous and perennial in nature, of any variety viz. Neem, Amla, Gulmohar and/or Alstonia, in the vicinity of the branch of the bank under the supervision of area officer of the District Horticulture Office, who shall submit a letter of proof to the Executing Court. Subject thereto liberty is granted to the petitioner-bank to file fresh execution petition against Judgment Debtors No.2 and 3 and, proceed in accordance with law.

7. Disposed of accordingly.

September 13 , 2021
gurpreet

(ARUN MONGA)
JUDGE

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