

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1080-2021

Date of Decision: July 29, 2021

NIRMAL SINGH

..... PETITIONER(s)

Versus

MUTHOOT CHAMBER AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Aman Dhir, Advocate
for the petitioner.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of pandemic, COVID-19.

Petitioner seeks a direction to the learned Executing Court Phagwara to decide petitioner's application seeking execution of judgment and decree dated 08.03.2019, passed by learned Additional Civil Judge (Sr. Division), Phagwara in a time bound manner.

Learned counsel for the petitioner submits that suit for mandatory injunction filed by present petitioner for directing the respondents to return the gold ornaments, as detailed in the plaint, was decreed vide judgment and decree dated 08.03.2019 (Annexure P1). Application under Order 21 Rule 2 CPC was filed by petitioner on 29.05.2019. The judgment debtor appeared before learned Executing Court on 31.01.2020 and sought time to file objections. Matter was thereafter adjourned to 05.03.2020 but objections were not filed. Thereafter, matter was adjourned on various occasions in view of the restricted

working due to outbreak of pandemic COVID-19. Execution petition was ultimately taken up for hearing on 21.01.2021. Objections were not filed and further opportunity was sought by the judgment debtor. Matter was thereafter adjourned for three occasions i.e. 28.01.2021, then to 25.02.2021 and 22.04.2021. Objections were yet again not filed and the matter was again adjourned on request of the judgment debtor. Due to the 2nd wave of the pandemic COVID-19, matter was again adjourned to 25.05.2021 and it is now listed for hearing on 20.08.2021.

Learned counsel for the petitioner submits that the judgment debtor be not afforded any further time for filing of objections and matter be ordered to be decided in a time bound manner specially keeping in view the fact that petitioner is in requirement of gold ornaments for marriage of his daughter, which is being postponed time and again, as required gold ornaments are in custody of the respondents. Petitioner's daughter, it is submitted, was engaged on 15.11.2020 but the marriage is being delayed solely due to the reason as above.

Keeping in view the facts and circumstances, this petition is disposed of with liberty to the petitioner to move an appropriate application/request before the learned Executing Court bringing all these facts to its notice and the matter shall be looked into and necessary action taken by the learned Executing Court thereon, in accordance with law.

This revision petition is accordingly disposed of.

July 29, 2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No