

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

CR-2525-2021

Date of decision: 26.11.2021

Siya Ram

...Petitioner

Versus

State Bank of India

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanchit Punia, Advocate for the petitioner
 Ms. Monita Mehta, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The judgment debtor assails the correctness of the order passed by the Executing Court while dismissing the objection petition filed by the petitioner. Learned counsel representing the petitioner contends that two separate objections were taken before the court below whereas the executing Court has only dealt with one issue. He submits that the second objection has not been dealt with.

If the learned counsel representing the petitioner did press the second objection and the Executing Court has failed to deal with it, the petitioner shall be at liberty to file an application before the Executing Court in this regard.

Learned counsel representing the petitioner contends that the decree passed on 20.05.2020 is without jurisdiction as the suit for recovery could only be filed under the Commercial Courts Act, 2015.

It has been noticed that the judgment debtor has borrowed a

loan of Rs.11,00,000/- for Kisan Cash Credit Card/crop loan (KCC). In such circumstances, the Executing Court has correctly held that the dispute does not fall within the ambit of the Commercial Courts Act, 2015. Furthermore, the petitioner did not object at the time when the decree was passed. Once a decree has been passed, the Executing Court is required to execute the same.

Disposed of in the aforesaid terms.

26.11.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE