

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

121

1. CR-2616-2018(O&M)  
Date of decision: 09.08.2022

M/S PARADISE TRANSPORTERS PVT. LIMITED AND ANOTHER

..Petitioners

Versus

PARTAP SINGH AND OTHERS

..Respondents

2. CR-2617-2018(O&M)

M/S PARADISE TRANSPORTERS PVT. LIMITED AND ANOTHER

..Petitioners

Versus

BALBIR SINGH AND OTHERS

..Respondents

3. CR-2618-2018(O&M)

M/S PARADISE TRANSPORTERS PVT. LIMITED AND ANOTHER

..Petitioners

Versus

DHARAMPAL SHEORAN AND OTHERS

..Respondents

4. CR-2619-2018(O&M)

M/S PARADISE TRANSPORTERS PVT. LIMITED AND ANOTHER

..Petitioners

Versus

CAPT. MANI RAM (RETD.) AND OTHERS

..Respondents

5. CR-2620-2018(O&M)

M/S PARADISE TRANSPORTERS PVT. LIMITED AND ANOTHER

..Petitioners

Versus

RAM KUMAR AND OTHERS

..Respondents

**6. CR-2662-2018(O&M)**

M/S PARADISE TRANSPORTERS PVT. LIMITED AND ANOTHER

**..Petitioners**

**Versus**

COL. SAJJAN SINGH AND OTHERS

**..Respondents**

**7. CR-2663-2018(O&M)**

M/S PARADISE TRANSPORTERS PVT. LIMITED AND ANOTHER

**..Petitioners**

**Versus**

DALBIR SINGH AND OTHERS

**..Respondents**

**8. CR-2665-2018(O&M)**

M/S PARADISE TRANSPORTERS PVT. LIMITED AND ANOTHER

**..Petitioners**

**Versus**

JAGDEV SINGH AND OTHERS

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Pawan Kumar Mutneja, Sr. Advocate  
with Mr. Brijesh Kumar, Advocate  
Ms. Suverna Mutneja, Advocate  
Mr. Viranjeet Singh Mahal  
for the petitioners.

Mr. I.S. Goyat, Advocate  
for respondent No.1.

Mr. Abhinay Goel, Advocate  
for respondent No.4.

**ANIL KSHETARPAL, J(Oral)**

In a suit for rendition of accounts, the trial Court passed a preliminary decree on 29.11.2005. Thereafter, an application for passing final decree was filed by the decree holder which was disposed of with the

following observations:-

*“A careful perusal of this order goes to show that the trial court passed the decree for rendition of account. No accounts were tendered. Accordingly a final decree is passed in favour of the plaintiff against the defendant. Sh. Anil Aggarwal Chartered Accountant, 8 Green Park, hisar is hereby appointed as Local Commissioner to assess the actual balance due between the parties. Both the parties will submit their accounts to him within a period of 15 days from today and after receiving of the same and in case of failure of any party to submit the documents on the basis of documents available, he will submit a report calculating actual amounts. His fees is assessed at Rs.5000/- to be paid by the parties. Final decree stand passed accordingly. File be consigned to record room after due compliance.”*

Thereafter, the decree holder filed an execution petition in which the judgment debtor filed the objections. The Court has dismissed the same vide order dated 01.04.2017. The learned counsel representing the petitioner contends that the Court while passing the final decree was required to determine the amount and specify the same in the decree. He submits that the Court erred in passing the decree without examining the contents of the report of the Chartered Accountant who was appointed as local commissioner.

On the other hand, the learned counsel representing the decree holder contends that the decree dated 18.12.2012, has become final.

After addressing the arguments at some length, the learned counsel representing the parties have come to a consensus. They pray for setting aside the order dated 18.12.2012.

Let the trial Court examine the report submitted by Sh. Anil Aggarwal, Chartered Accountant, while granting opportunities to both the parties to file their objections, if any.

In view thereof, the order dated 18.12.2012, is set aside.

The trial Court is requested to pass a fresh final decree after considering the report of the Chartered Accountant as well as the objections, if any, filed within a period of three months.

With all these observations, the present petitions are disposed of.

The parties through their counsel are directed to appear before the trial Court on 29.08.2022.

All the pending miscellaneous applications, if any, are also disposed of.

**August 09<sup>th</sup>, 2022**

*Ay*

**(ANIL KSHETARPAL)  
JUDGE**

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