

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7741 of 2018 (O&M)

Date of Decision: 27.09.2022

Prabhjeet Singh alias Goldy

... Petitioner(s)

Versus

Gurpreet Singh alias Goldy and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Joginder Pundir, Advocate
for Mr. Manoj Kumar Pundir, Advocate
for the petitioner(s).

Mr. Parvinder Singh, Advocate
for the respondent No.1 to 3.

Anil Kshetarpal, J.

1. Both the Courts below have dismissed the application filed under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”) to set aside the *ex parte* judgment and decree for the recovery of some amount.

2. The learned counsel representing the respondent No.1 to 3 brings to the notice of this Court that in the execution petition, the petitioner has already satisfied the decree on the basis of the settlement deed and the matter has been disposed of. He refers to the order dated 14.05.2022, passed by the National Lok Adalat at S.A.S.Nagar, which reads as under:-

*“Matter put up in the National Lok Adalat. Gurjit Singh,
General Power of Attorney of decree holder no. 1 Gurpreet
Singh, appeared and suffered a statement that the matter has*

been compromised between the parties and he has received a Manager's cheque bearing no.008241 dated 13.05.2022 for Rs.3,33,000/- drawn on HDFC Bank, Fazilka, being share of decree holder no. 1 as a final adjustment of the amount belonging to the decree holder no. 1. The decree holder no. 1 has no objection if the property i.e. HM 66, Phase-4, Mohali, is discharged from the attachment and he do not want to proceed with the present execution qua his share. The same may kindly be dismissed as withdrawn being fully satisfied, subject to encashment of above said cheques. There is no stay from any Court upto Apex Court qua the proceeding pending in this Court.

A similar statement has been suffered by Amrik Singh Power of Attorney of Decree Holders no. 2 and 3, regarding receiving of Manager's cheque bearing no.008240 dated 13.05.2022 for Rs.3,34,000/- and another Manager's cheque bearing no.008239 dated 13.05.2022 for Rs.3,33,000/- as a share of decree holders no. 2 and 3 as a final adjustment of amount belonging to DH no. 2 and 3.

Vide separate statement, Manjeet Singh Power of attorney of JD no. 1 Prabhjeet Singh stated that he heard the statements of decree holders and agree with the same and stated that the above said payment has been made on behalf of JD.

Heard. In view of the above said statements so suffered

by the parties, which are duly counter signed by their respective counsels, the present execution is hereby dismissed as withdrawn being fully satisfied. There is no stay qua the proceedings of this Court, passed by any appropriate Court upto the Hon'ble Apex Court. File be consigned to the record room after due compliance."

3. The learned counsel representing the petitioner submits that he has no knowledge.

4. Keeping in view the aforesaid facts, the present revision petition is disposed of as infructuous. However, the petitioner shall have the liberty to file an application for revival, if the facts stated by the learned counsel representing the respondent No.1 to 3, are incorrect.

5. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

September 27, 2022

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No