

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 906 of 2020 (O&M)

Date of Decision: 15.12.2022

Basakha Singh (Deceased) through his Legal Representatives
... Petitioner(s)

Versus

Charanjit Singh
... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Amarbir Singh Shergill, Advocate
for Mr. Navjot Singh, Advocate
for the petitioner(s).

Mr. Sarabjit Singh Grewal, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The petitioner herein is the judgement debtor. He assails the correctness of the order dated 24.10.2019 passed by the Executing Court while directing him to pay ₹ 1,74,000/- along with the interest @ 6% per annum to the decree holder. The petitioner, on 07.02.2020, offered to pay ₹1,73,400/- to the respondent. Hence, notice of motion was issued.

2. The learned counsel representing the respondent submits that he has already received ₹1,73,400/-, however, he claims that the amount has been paid after a considerable delay, therefore, the decree holder should be held entitled to interest on the delayed payment.

3. This Court has considered the submissions. The judgement and decree dated 22.02.2001 was passed on the basis of a settlement between the parties. The agreement was to pay the amount along with the penalty of

₹10,000/-. There is no agreement to pay the interest in case there is default/delay in payment. The Executing Court is required to implement the decree as it exists. The learned counsel representing the respondent (decree holder) admits that there is no decree for payment of the amount along with interest in case of default. Admittedly, the amount along with the penalty has already been paid.

4. Keeping in view the aforesaid facts, the present revision petition is disposed of. The Executing Court is directed to consign the execution petition to the records.

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

(Anil Kshetarpal)
Judge

December 15, 2022
“DK”

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