

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 453 of 2021

Date of Decision: 16.09.2022

M/s Gopal Krishan Enterprises Limited

... Petitioner(s)

Versus

The Patiala District Cooperative Milk Producers Union Limited

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Aman Bansal, Advocate
for the petitioner(s).

Mr. Rahul Sharma, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The petitioner herein is a judgment debtor. He claims that pursuant to the settlement, the amount has already been paid. He draws the attention of this Court to the stand taken by the learned counsel representing the respondent before the Special Secretary, Cooperation, Punjab, Chandigarh, which reads as under:-

“3. The respondent counsel pointed out that the petitioner has himself submitted in the written submissions that the amount in dispute has already been paid by the petitioner during the proceedings of 138 of Negotiable Instruments Act. Copies of the orders passed by the learned Sessions Judge, Patiala have also been placed on record. Therefore, nothing survives in the present petition and accordingly, this revision petition may kindly be dismissed as having become infructuous.

4. I have heard the learned counsels and perused the record and found that the petitioner has himself stated in the written submissions that he has already deposited the amount in

question. Therefore, nothing survives in the revision petition, hence, the same is dismissed.”

2. On the other hand, the learned counsel representing the respondent submits that it was the petitioner who had submitted the written submissions claiming that the entire amount has been paid.

3. There is a dispute between the parties. However, it is also evident that the revision petition filed by the petitioner before the Special Secretary, Cooperation, Punjab, Chandigarh, has been disposed of as infructuous after noticing that he has already deposited the amount in question.

4. Keeping in view the aforesaid facts, let the parties file an appropriate application before the Special Secretary, Cooperation, Punjab, Chandigarh. Ultimately, if the Special Secretary, Cooperation, Punjab, Chandigarh, passes an order, the respondent shall be at liberty to file a fresh execution petition. The Special Secretary, Cooperation, Punjab, Chandigarh, is directed to make a sincere endeavour for taking final decision on the application, within a period of three months, from today. Consequently, the execution petition, pending before the Executing Court, shall also be consigned to the records.

5. With the observations made above, the present revision petition is disposed of.

(Anil Kshetarpal)
Judge

September 16, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No