

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

120

**CR-1578 of 2020 (O&M)
Date of decision: 19.12.2022**

Dharampal and others

..Petitioners

Versus

Udaibir Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Khatri, Advocate
for the petitioners.

Mr. Ajay Jain, Advocate,
for respondent no.1 and 3.

ANIL KSHETARPAL, J(Oral)

In a suit for possession by way of Specific Performance of the agreement to sell , the Civil Judge (Senior Division), Hisar, passed a decree for recovery of Rs.20,00,000/- from defendants no.1 to 10, along with simple interest @ 9% per annum from 30.04.2006 till the date of decree and future interest @ 6% per annum from the date of decree till its realization.

The operative part of the decree reads as under:-

“It is ordered that the suit of the plaintiffs succeeds and is decreed with costs to the effect that the plaintiffs are entitled to refund of double of earnest money of Rs.10,00,000/- from the defendant no.1 to 10. The plaintiffs are also entitled to simple interest @ 9% per annum from 30.04.2006 till date and interest @ 6% per annum on the decretal amount from the date of decree till its realization. Decree-sheet be prepared accordingly., File be consigned to the record room after due compliance.”

The aforesaid decree was affirmed in the first appeal. The petitioner No.1 herein is Judgment Debtor No.6. He claims that one of the Judgment Debtor i.e. Smt. Giano Devi has not paid her share to the decretal amount. The Executing Court has held that the decree is joint and several

and therefore, recovery can be effected from any of the Judgment Debtor. The correctness of the aforesaid order has been challenged before this Court.

The learned counsel representing the petitioners admits that the share of Smt. Giano Devi has also been deposited by the petitioner, subject to the outcome of this revision petition.

Keeping in view the aforesaid facts, the revision petition is disposed of as the entire decretal amount, as stated, has already been deposited. The petitioners shall have the liberty to initiate proceedings for recovery of the excess amount from Smt. Giano Devi, in accordance with law.

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

December 19, 2022
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(ANIL KSHETARPAL)
JUDGE

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