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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-8654-CII-2022 in/and
CR-3041-2019 (O&M)
Date of Decision:25.08.2022

Anil Kumar

.. Petitioner

Vs.

District Council for Child Welfare, Rewari and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Daman Dhir, Advocate for the petitioner.

Mr. Shashi Kumar Yadav, Advocate
for respondent No.3.

...

Manoj Bajaj, J. (Oral)
CM-8654-CII-2022

This application is for pre-poning the date of hearing of the
main petition to an early date.

Heard.

Application is allowed and the date of hearing is pre-poned to
today.

Main case

Petitioner/decreed holder has filed this revision petition under
Article 227 Constitution of India for setting aside the order dated
09.10.2018 (Annexure P-3) passed by Civil Judge (Jr. Divn), Rewari,
whereby he was directed to file fresh calculation sheet as per the modified
judgment and decree dated 08.12.2017 passed by Addl. District Judge,
Rewari, restricting his arrears of subsistence allowance to three years and
two months only.

Learned counsel for the petitioner has argued that the suit filed by the petitioner/decreed holder was decreed vide judgment and decree dated 29.02.2016 and decree holder was held entitled for subsistence allowance from the date of his suspension i.e. 03.10.2000 till the end of his suspension period along with interest @ 12% from the date of filing of the suit till realization of the amount. He submits that pursuant to the decree dated 29.02.2016, an execution petition filed by petitioner is pending before the Executing Court at Rewari. Learned counsel has argued that the judgment and decree dated 29.02.2016 was challenged by defendant/judgment debtors by way of appeal before Addl. District Judge, Rewari, and it was partly allowed by modifying the decree dated 29.02.2016 by holding that the decree holder would be entitled to receive the arrears of subsistence allowance for three years two months along with interest @ 6% per annum.

Learned counsel has argued that while filing the execution petition, the petitioner had given the details of his claim relating to arrears of subsistence allowance and against that, objections were filed by the judgment debtors pertaining to the pay scale and calculation of interest, however, the said objections were dismissed, but the executing Court wrongly directed the decree holder to furnish fresh calculation sheet as per the modified judgment and decree dated 08.12.2017. He prays for setting aside this directions, as decree holder has already given his calculation.

During the course of hearing, it is not disputed by learned counsel that the execution petition was preferred to seek execution of the judgment and decree dated 29.02.2016 and at that stage, the appeal against the said decree before the first appellate Court was pending. He fairly states

allowance etc., after modification of the decree by first appellate Court.

Thus, considering the above background, this Court finds that the direction issued by the Civil Judge (Jr. Divn.), Rewari is justified, as admittedly no calculation sheet in terms of modified decree dated 08.12.2017 has been filed.

Resultantly, no case is made out for interference.

Dismissed.

25.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No