

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

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CR-1822-2021 (O&M)

Date of Decision : 14.12.2022

Kuldeep Singh

....Petitioner

VERSUS

Harchand Singh

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. H.S.Rakhra, Advocate for the petitioner.

Mr. Rajeshwar Singh Thakur, Advocate for the respondent.

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ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for extension of time to the petitioner to pay the due amount to the respondent in view of the compromise between the parties dated 10.04.2021. The relevant terms of compromise as agreed upon are as under :

1. *That as per the Compromise, the Second Party will give the First Party total Rs.24 lakhs. Rs. 4 Lakhs have already given on 19.05.2014. The Writing record are missing has already been made separately and the remaining Rs.20 Lakhs will be given by the Second Party to the First Party within 5 months.*
2. *That the First Party will get the orders of attachment set-aside, so that the Second Party is able to sell the said land within the said time and arrange for the remaining Rs.20 Lakhs.*

xxx''

Learned counsel for the petitioner has contended that since warrants of attachment were not set aside as agreed upon between the parties in clause No.2 of the compromise, the property could not be sold and hence the remaining amount could not be paid. Learned counsel for the petitioner, on instructions, has categorically stated that he is still ready and willing to perform his part of the compromise.

Learned counsel for the respondent, on instructions, has stated that it is not for the respondent to get the attachment order set aside but was incumbent on the petitioner to get the order of attachment set aside.

Heard.

Clause 2 of the compromise (Annexure P-2) is very clear that the first party i.e. respondent herein will get the orders of attachment set aside so that the second party i.e. the petitioner herein is able to sell the said land and arrange for the remaining 20 lakhs. The respondent has admittedly not performed the Clause No.2 of the compromise and hence the petitioner has not been able to sell his land.

In view of the above, let both the parties approach the Executing Court for setting aside the order of attachment so that the petitioner is in a position to sell the land and arrange for the payment of the remaining amount.

The present petition is disposed off. Pending applications, if any, also stand disposed off.

December 14, 2022
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(ALKA SARIN)
JUDGE