

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CR-160 of 2022 (O&M)
Date of decision:04.03.2022

DILRAJ SINGH

...Petitioner

Versus

DARSHAN SINGH SINCE DECEASED THR HIS LRS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Aakash Singla, Advocate,
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

1. The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.
2. In this case, Civil Judge vide judgment and decree dated 19.02.2013, passed a decree for recovery of Rs.3,50,000/- along with interest @ 6% per annum from the date of payment till realization, in favour of the respondent. The first appeal filed by the respondent was dismissed which was again upheld by the Supreme Court. Thereafter, the respondent filed Civil Appeal No.172 of 2022, before the Supreme Court which was disposed of on 09.01.2020, while directing the respondent to pay a sum of Rs. 15,00,000/- as full and final settlement within six weeks from 09.01.2020. In execution of the aforesaid decree, the matter is pending before the Executing Court. Thus, the decree holder was directed to provide the list of the properties belonging to the Judgment Debtor. This revision petition has been filed to challenge the correctness of order passed by the Executing Court on 16.07.2021.

3. On 22.02.2022, after hearing the learned counsel representing the petitioner, the following order was passed:-

“The petitioner is a judgment debtor. He has been directed to pay a sum of ₹15,00,000/- to the decree holder i.e. late Sh. Darshan Singh, in full and final settlement. He, now, objects to the execution of the decree on the ground that the legal representatives of the decree holder have filed the execution petition without obtaining the succession certificate as provided under Section 214 of the Indian Succession Act, 1925.

There is no dispute about the fact that the petitioner was required to pay the amount within a period of six weeks from 09.01.2020.

Hence, let the petitioner deposit the amount at first instance.

The learned counsel representing the petitioner prays for an adjournment to get instructions.

Adjourned to 04.03.2022. “

4. Sh. Aakash Singla, the learned counsel representing the petitioner, after taking instructions from the petitioner, has submitted that the petitioner is not prepared to deposit the amount as ordered by the Hon'ble Supreme Court.

5. Keeping in view the aforesaid facts, this court is not inclined to exercise its revisional jurisdiction under Article 227 of the Constitution of India in favour of the petitioner.

6. Dismissed.

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

March 04, 2022

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Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No

(ANIL KSHETARPAL)
JUDGE