

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

109

**CR-4985-2019(O&M)
Date of decision:21.03.2022**

**HARYANA STATE AGRICULTURAL MARKETING
BOARD AND ANR**

...Petitioners

Versus

RAHUL AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Pritam Singh Saini, Advocate, for the petitioners.
Mr. Ashish Gupta, Advocate, for the respondents.**

ANIL KSHETARPAL, J (Oral)

Through this revision petition, the Judgment Debtors calls into question the correctness of the order passed by the Executing Court on 01.04.2019. The Executing Court has dismissed the objection petition filed by the petitioners.

Some facts are required to be noticed.

The respondents are allottees of the commercial premises allotted by the Haryana State Marketing Board/Market Committee, Punhana, District Mewat. They filed a suit for grant of decree of mandatory injunction claiming that since the requisite development has not been completed by the Board, therefore, it is not entitled to recover the interest on the amount of installments. The suit was decreed on 12.01.2010. The operative part of the decree reads as under:-

“It is ordered that suit of the plaintiff is hereby decreed. The plaintiff is not bound to pay the interest on the instalments in absence of basic facilities. The defendants are restrained from claiming or recovering any interest from the plaintiff on the instalment as detailed by them in letter No.PNH/111 dated 07.06.2005 and also from

claiming or imposing any penal interest @ 4% per annum without providing basic facilities as provided in letter of allotment. However, in peculiar circumstances of the case the parties are left to bear their own costs.”

After a period of 6 years, the respondents were called upon to pay the principal interest along with the interest and the penal interest. The plaintiffs (respondents) filed an execution petition. It is evident that the amount of interest has been claimed from 01.07.2008 till 29.02.2016. The suit was filed in the year 2005.

The learned counsel representing the respondents after addressing the Court, at some length and on taking instructions from the respondents, prays for permission to withdraw the execution petition itself.

The learned counsel representing the petitioners has no objection.

In view thereof, the execution petition filed by the respondents before the trial Court is dismissed as withdrawn. The respondents shall have liberty to avail an alternative remedy.

Disposed of accordingly.

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

March 21, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No