

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

CR-5814-2022(O&M)

Date of decision:-9.12.2022

Jagir Singh

...Petitioner

Versus

Rajinder Kumar and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.R.K. Chauhan, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

1. Briefly stated, facts of the case are that plaintiff Jagir Singh had brought a suit against defendant Rajinder Kumar (since dead) through his LR and others seeking a relief of permanent injunction restraining the defendant from recovering amount of Rs.1,50,000/- from him forcibly; in that suit, the defendants had put in appearance and a counter claim was lodged; the trial Court of Civil Judge(Jr.Divn.), Hoshiarpur vide judgment dated 14.8.2013 dismissed the suit for grant of permanent injunction filed by the plaintiff Jagir Singh, whereas decreed the counter claim lodged by the defendants.

2. Feeling aggrieved, the plaintiff had preferred an appeal before District Judge, Hoshiarpur, which was assigned to Additional District Judge, Hoshiarpur, who vide judgment dated 17.12.2018 dismissed the appeal with special costs of Rs.25,000/-.

3. Thereafter, an execution application was filed by LR's of defendant Rajinder Kumar, who had since died. Notice of that execution application was given to plaintiff Jagir Singh, who put in appearance and filed objections, however, since no payment was made conditional warrants of arrest were issued against Jagir Singh vide order dated 21.11.2022, which left the JD aggrieved and he has filed the present revision petition.

4. I have heard learned counsel for the revisionist besides going through the record and I find that the revision petition is absolutely without merit.

5. The plaintiff had filed a suit for grant of permanent injunction alleging that his scooter had got stolen on 7.3.2006 regarding which he had lodged report No.24 with the police and at that time his cheque book and stamp papers were lying in the dicky of the scooter and subsequently the defendant had misused the cheque on the basis of which counter claim was filed.

6. However, the defendant had denied this story of theft of scooter along with cheques and other stamp papers being a cooked up story devoid of any element of truth, rather contending that plaintiff Jagir Singh had promised to send him abroad on payment of Rs.5 lakhs and had received Rs.1,50,000/- as advance but he could not do so; Jagir Singh had given a cheque to defendant Rajinder Kumar, which on presentation was returned uncashed due to insufficient funds; the defendant had lodged report with the police in that regard; at request of plaintiff, defendant had presented the cheque again, which was returned with the endorsement

“the cheque book reported lost”.

7. Learned Additional District Judge, Hoshiarpur while disposing of the appeal has passed severe comments against the plaintiff. In para No.16 of the judgment, it has been observed that plaintiff/appellant indeed comes across as a deceitful and fraudulent person, who appears to have concocted a story about theft of his scooter on 7.3.2006 and he relied upon a report regarding theft of scooter dated 13.5.2006 i.e. after the date of issuance of cheque dated 19.4.2006 and memo dated 1.5.2006. The entire story set up by the plaintiff was discarded observing that he had issued cheques in favour of defendant counter claimant after acknowledging his liability for payment of cheque amounts, cooked up a false version to wriggle out of the said liability and unnecessarily put the defendant – counter-claimant to trial. For that reason the appeal filed by the appellant had been dismissed with special costs.

8. The plaintiff had not made any payment to the defendant despite the fact that the defendant had expired in the meanwhile and more than 16 years have elapsed from the receipt of amount by plaintiff from the defendant. His every attempt is to prolong the proceedings on one pretext or the other. When his conditional warrants of arrest were issued, then he rushed to this Court challenging the order passed by the Executing Court. Such type of people, who are not ready to comply with the decrees passed by the Court of competent jurisdiction and rather are bent upon in prolonging the matter on one excuse or the other need to be dealt with firmly and sternly so as to get the decree complied with from him. The order under revision is legal and valid and does not suffer from any

illegality or infirmity. There is no reason to interfere with that order. The revision petition being without merit is dismissed accordingly.

9. As parting observations the Executing Court is directed to take necessary measures so as to get the decree passed in favour of the decree holders executed at the earliest since the matter has already got delayed to a great extent.

9.12.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No