

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

**CRM-M-1619-2020 (O&M)
Date of decision : 29.09.2023**

KULWANT SINGH

....Petitioner

Versus

M/S G. S. ENTERPRISES

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Pooja Janglan, Advocate for
Mr. Mayur Karkra, Advocate for the petitioner.

Mr. Anupam Singla, Advocate for the respondent.

PANKAJ JAIN, J. (ORAL)

On 15th of September, 2023 following order was passed :

“On 19th of September, 2022, following order was
passed :

“Learned counsel for the petitioner submits that in pursuance to order dated 16.01.2020, petitioner has deposited 20% of the requisite amount before the lower Appellate Court. He further submits that the matter has been compromised.

Learned counsel for the respondent submits that the said amount may be released in favour of the respondent.

Learned counsel for the petitioner has no objection if 20% of the requisite amount is released in favour of the respondent. Learned trial Court, is directed to disburse the said amount in favour of the respondent.

Adjourned to 19.01.2023.
Interim order to continue.”

Today Counsel for the respondent submits that despite the fact that the aforesaid order was brought to the notice of the Court the same has not been disbursed till today on the pretext that the amount is not traceable.

Faced with the situation, counsel for the petitioner has produced copy of receipt acknowledges payment of fine which apparently bears the seal and signatures of Additional District & Sessions Judge, Patiala. Photocopy of the same is taken on record and marked as 'X'.

Registry is directed to furnish copy of the order as well as

complete copy of the paper-book to the concerned District & Sessions Judge, who shall furnish report in the light of the aforesaid circumstances positively before the next date of hearing.

Adjourned to 29th September, 2023.”

2. Pursuant to the order dated 15th of September, 2023 report has been received whereby District & Sessions Judge Patiala reported as under :

“xxxx

The learned Additional Sessions Judge in his report has submitted that after the receipt of order dated 15.9.2023 of Hon'ble Punjab and Haryana High Court passed in CRM-M-1619-2020(O&M) the explanations of the Ahlmad and Reader attached to his court were called. Both Reader and the Ahlmad have stated that due to rush of work compliance of the orders passed by the learned Additional Sessions Judge could not be made. He has further stated that as per the explanation of the Reader, an amount of Rs.30,000/- has been deposited in the court of Sh.S.K.Sachdeva, the then learned Additional Sessions Judge, Patiala vide order dated 23.1.2020 and the said amount has been deposited inadvertently in 'DDO Code No. PTL000220 in head 0070-01-102-01-00' whereas it was to be deposited under the 'Head 8443-00-104-00-00'. Now as per the procedure the said amount deposited under 'DDO Code No.PTL000220 in head 0070-01-102-01-00' has to be got transferred to 'DDO Code no. PTL000247' after seeking approval by the Treasury from the Finance Department of State of Punjab. Since the amount to the extent of 20% has been deposited under the wrong head and the delay would be only till the time it is transferred to the correct head by the Treasury on approval from the Finance Department. The amount cannot be disbursed immediately to the complainant due to this technical aspect. The officer has further submitted that as and when the approval is accorded by the Finance

Department, the amount will be disbursed to the complainant immediately when it is transferred to 'DDO Code no. PTL000247'. As per the report of the officer the process has already been initiated.

From the report of the officer and the perusal of the file it reveals that on receiving the order of the Hon'ble Punjab and Haryana High Court, the present Additional District and Sessions Judge had immediately issued directions to the Reader and the Nazir to release 20% of the amount to the complainant so that the compliance of the order of Hon'ble Punjab and Haryana High Court could be made but the order of the Additional Sessions Judge were not complied by the Reader and the Ahlmad and the reason cited were due to rush of work. The officer has assured that as soon as the amount is transferred to DDO Code no. PTL000247, the same shall be disbursed to the complainant without any delay. The officer has also sought unconditional apology for the lapse.”

3. Along with the report order dated 30th of September, 2022 passed by the concerned Court has also been appended. As per which the amount has been ordered to be released to the complainant against proper receipt.

4. Mr. Singla submits that respondent/complainant shall appear and claim the amount.

5. Consequently, the present petition has been rendered infructuous in view of the compromise effected between the parties.

6. Petition is disposed off as having been rendered infructuous.

September 29, 2023

Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No