

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(228)

CR-2677-2017

Date of Decision : February 10, 2023

Surta (deceased) through his LRs

.. Petitioners

Versus

Gram Panchayat Nara and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chanakya Pandit, Advocate, for the petitioners.

Mr. Parveen Kumar Rohilla, Advocate, for respondent No.1.

Mr. Jangjit Singh Dahiya, Advocate, for respondents No. 4 & 5.

HARSIMRAN SINGH SETHI J. (ORAL)

While passing the judgment and decree dated 31.01.2009,
following relief was given by the trial Court to the petitioners-plaintiffs:-

“ It is ordered that the suit of the plaintiff succeeds and the same is hereby partly decreed with costs to the effect that defendants are restrained from interfering in possession of plaintiff, except in due course of law. As per separate order even date, plaintiff is entitled for an amount of Rs.40,000/- of sale proceeds for Kharif-2000 crop.”

The said decree dated 31.01.2009 was sought to be executed and the claim was raised qua the payment of Rs.40,000/- against the respondents which has already been increased to Rs.80,000/- in the appeal.

There are five judgment debtors and when the claim was raised, the trial

Court while executing the said order dated 31.01.2009, passed the impugned order dated 23.12.2016 that as none of the judgment debtor was given direction in particular to pay the said amount, the same cannot be executed even though, it was not disputed that the petitioners-decree holders were held entitled to the said amount.

Learned counsel for the petitioners-plaintiffs argues that though, no particular direction was given to any of the judgment debtor but in the absence of any particular direction, it should be construed that all the defendants-judgment debtors are liable to pay the said amount.

The said arguments cannot be accepted as, the decree dated 31.01.2009 is to be executed keeping in view the direction given therein. In the absence of any particular direction for the payment of amount in question by a particular judgment debtor, no fault can be found in the impugned order dated 23.12.2016.

At this stage, learned counsel for the petitioners submits that the present civil revision petition may kindly be disposed of with liberty to avail appropriate remedy for clarification of the said decree as permissible under the CPC.

Ordered accordingly.

February 10, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No