

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7022-2018 (O&M)

Date of decision: January 16, 2023

Kartar Chand

....Petitioner

versus

Municipal Committee (now Municipal Council) Gurdaspur

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Inderjit Sharma, Advocate for the petitioner.

None for the respondent.

ARUN MONGA, J. (ORAL)

Present revision petition is to set aside the impugned order dated 17.08.2018 (Annexure P-4) passed by learned Civil Judge (Junior Division)/ Executing Court, Gurdaspur, whereby execution application bearing case NO.12 of 2015 titled 'Kartar Chand versus Municipal Committee, Gurdaspur', has been dismissed.

2. Learned counsel for the petitioner contends that impugned order has wrongly been passed on the basis that no computation had been produced to substantiate as to how balance amount of Rs.7,65,583/- was due from the respondent/judgment-debtor despite the petitioner/decreed-holder having produced computation (Annexure P-5) before the Executing Court.

3. I have heard learned counsel for the petitioner. None appears on behalf of the respondent, despite service.

4. In my opinion, the learned Executing Court fell in error while dismissing the execution petition on the ground that petitioner/ decreed-holder

did not produce any computation to substantiate as to how balance sum of Rs.7,65,583/- is due from the respondent/ judgment-debtor. Perusal of Annexure P-5 would reflect that petitioner/ decree-holder had submitted the said statements of calculations of the arrears along with compound interest to be paid by respondent/ judgment debtor. Respondent/ judgment-debtor had also been proceeded *ex parte* before the Court below.

5. In the premise, the instant revision petition is allowed. Petitioner/ decree-holder is permitted to file fresh execution petition by appending the aforesaid computation which are appended herewith as Annexure P-5. It is expected of the Executing Court to proceed further in accordance with law. Since judgment/ decree was passed way back in the year 2014, the same remained unimplemented though not assailed by the respondent/ judgment-debtor, it is expected of the Executing Court to proceed expeditiously without granting unnecessary adjournments.

6. Pending application/s, if any, also stand disposed of.

(ARUN MONGA)
JUDGE

January 16, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No