

Civil Revision No. 3061 of 2023

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 3061 of 2023

Date of decision: 17th May, 2023

Baljinder Singh

Petitioner

Versus

The Jakhepal Co-operative House Building Society Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P. C. Yadav, Advocate for the petitioner.

AVNEESH JHINGAN, J (Oral):

1. This revision petition is filed seeking setting aside of the order dated 22.3.2023 passed by the executing court issuing warrants of attachment of the property of the petitioner (Judgment Debtor).

2, The brief facts are that the petitioner on 10.12.2012 availed a loan facility of Rs.5,06,600/-. The loan was to be repaid within fifteen years. To secure the loan, the petitioner mortgaged the property. The petitioner defaulted in repayment of the loan. As per the terms and conditions, the arbitrator was appointed under Section 55 of the Punjab Co-operative Societies Act, 1961 and the proceedings culminated in ex-parte award dated 15.2.2016. The respondent was held entitled to recover Rs.5,06,000/- along with interest of Rs.1,34,371/-. Future interest was also awarded.

3. The respondent filed execution petition. In objections filed in execution, the petitioner challenged the award on merits and also contended that only Rs.72,000/- is recoverable. The objections were rejected. The executing court held that the petitioner had a remedy to challenge the award or seeking setting aside of ex-parte award and that the executing court cannot go beyond the award. Hence the present petition.

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4. Learned counsel for the petitioner submits that the petitioner has paid Rs.4,34,000/- and only Rs.72,000/- is remaining.

5. During the course of hearing, learned counsel for the petitioner on instructions admits that the award has not been challenged till date and as per the award, the respondent is entitled to recover Rs.5,06,000/- along with interest of Rs.1,34,371/-. It is not the case set up that any amount paid after passing of the award is not being adjusted by the executing court. In the absence of any challenge of the award, the executing court rightly concluded that in execution proceedings, it cannot go beyond the award. No legal or factual infirmity has been pointed out in the impugned order.

6. The revision petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

17th May, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |