IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 3088 of 2023
Date of decision: 18th May, 2023

Raj Karan

Petitioner

Versus

The Gurdaspur Central Cooperative Bank

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aditya Pratap Singh, Advocate for the petitioner.

AVNEESH JHINGAN, J (Oral):

1. This revision petition is filed seeking quashing of order dated 25.1.2022, passed by the executing court attaching the property of the petitioner.

2. The brief facts are that the petitioner availed loan facility from the respondent-bank. On default of repayment, the arbitrator was appointed under Sections 55 and 56 of the Punjab Co-operative Societies Act, 1961. The proceedings culminated in award dated 31.5.2016. The respondent-bank was held entitled to recover Rs.18,08,616/- along with future interest. On 20.9.2021, the appeal filed against the award was dismissed as time barred. After dimissal of the appeal, the petitioner filed a stay application before the Financial Commissioner. It is an undisputed fact that the arbitral award has attained finality. The objections filed by the petitioner in execution proceedings were dismissed on 25.1.2022 and warrants of attachment of the property of the petitioner (Judgment Debtor) were issued

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on filing of list of properties. Hence, the present petition.

3. Learned counsel for the petitioner submits that the amount of loan was cleared by the petitioner in the year 2010 but the details are not being provided by the respondent-bank.

4. The contention raised by learned counsel for the petitioner lacks merit. The award dated 31.5.2016 has attained finality, the respondent-bank is entitled to recover Rs.18,08,616/- . It is not the case set up that any payment made by the petitioner after passing of the award is not being considered by the executing court. By raising the issue that there was no arrear of the loan, an attempt is being made to re-open the proceedings of arbitration which had attained finality.

5. No factual or legal error has been pointed out in the impugned order calling for interference in the revisional jurisdiction.

6. The revision petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

18th May, 2023
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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