

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

155

2023:PHHC:134507

CR-3537-2023

Date of decision: 16.10.2023

JITENDER KUMAR

..Petitioner

Versus

SANJAY KUMAR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ram Avtar Sheoran, Advocate
for the petitioner.

Mr. Sunit Sangwan, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a decree holder. His suit for recovery of Rs.4,00,000/- along with interest at the rate of 12% per annum was decreed by the trial Court on 28.05.2015. In order to implement the decree, the petitioner filed the execution petition. The Executing Court has dismissed the execution petition by invoking the rule of *damupat*. The learned counsel representing the petitioner contends that such rule is not applicable either during the pendency of the suit or after the suit was decreed. He relies upon the judgment passed in **Radhey Sham Vs. Santosh Rani and another, 2000(2) PLR 425** and judgment passed by the Division Bench of the Karnataka High Court in **M/s Bawa Enterprises and others Vs. G.R. Shet and another, 2015(86) RCR (Civil) 265.**

2. The learned counsel representing the respondent does not dispute the aforesaid legal position.

3. Keeping in view the aforesaid facts, the impugned order is set aside and the matter is remitted back to the Executing Court to proceed further.

4. The Executing Court has also warned the petitioner to use the language carefully while appearing in the Court. The learned counsel representing the petitioner submits that the petitioner is not legally literate and he does not know the intricacies of law.

5. In the facts of the case, the aforesaid remarks are ordered to be expunged.

6. With these observations, the present petition is disposed of.

7. All the pending miscellaneous applications, if any, are also disposed of.

October 16th, 2023

(ANIL KSHETARPAL)
JUDGE

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