

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR-5350-2019 (O&M)
Date of Order: 20.07.2023**

**THE GURDASPUR CENTRAL COOPERATIVE
BANK LTD**

.Petitioner

Versus

AMIT KHOSLA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. S.K.Biriwal, Advocate, for
Mr. Paramjit Kaur Deol, Advocate, for the petitioner.**

Mr. Vipin Mahajan, Advocate, for the respondent.

ANIL KSHETARPAL, J

1. The execution petition filed by the petitioner-bank to execute the award passed by the Assistant Registrar exercising the powers of Registrar under Section 55/56 of the Punjab Cooperative Societies Act, 1961, has been dismissed by the court on the ground that the award was not accompanied by the certificate of the Registrar as provided under Section 63 of the Act, which is extracted as under:-

“SECTION - 63-Execution of certain decisions, awards and orders:-

Every decision, award or order duly passed under section 54, 56, 62, 68 or 69 shall, if not carried out-

(a) on a certificate signed by the Registrar or any person authorised by him in this behalf, be deemed to be a decree of a civil court and shall be executed in the same manner as decree of such court; or

(b) be executed by the Registrar or any other person subordinate to him, empowered by the Registrar in this behalf, by the attachment and sale or by sale without attachment of any property of the person or of the co-

operative society against whom the order, decision or award has been obtained or passed;or

(c) be executed according to the law for the time being in force for the recovery of arrears of land revenue :

Provided that an application for the recovery of any sum in the last aforesaid manner shall be made to the Collector and shall be accompanied by a certificate signed by the Registrar or any person authorised by him in this behalf.] ”

2. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

3. The learned counsel representing the petitioner submits that even if a certificate of the Registrar as provided under Section 63 of the 1961 Act was required to be filed, the Court ought to have given an opportunity to the petitioner to produce the same. He submits that the petitioner-bank was making efforts to recover public money and therefore the Executing Court should have at least granted opportunity to the petitioner to produce the certificate of Registrar.

4. The learned counsel representing the respondent submits that after the execution petition was dismissed, the petitioner-bank entered into a One Time Settlement with the respondent and allowing this revision petition should not adversely affect the One Time Settlement.

5. This court has considered the submissions of the learned counsels representing the parties.

6. One Time Settlement is a contract between the parties which shall not be adversely affected by the restoration of the execution petition.

7. Keeping in view the aforesaid facts and discussions, the revision petition is allowed. The order under challenge is set aside.

8. The parties through their counsels are directed to appear before
the trial Court, on 11.08.2023.
9. All the pending miscellaneous applications, if any, are also
disposed of.

July 20, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO