

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.R. No.5243 of 2023(O&amp;M)

Date of Order:21.09.2023

Dinesh Sood

.Petitioner

Versus

M/s Duggal Poultry and Breeding Farm Pvt. Ltd and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Naresh Kumar, Advocate  
for the petitioner.****ANIL KSHETARPAL, J**

1. It is a unique case. The petitioner herein is a decree holder. He was held entitled to recover Rs.19,75,116.15 along with interest @ 12% per annum. However, in execution of the decree, the property of Judgment Debtor was sold for Rs.72,70,000/- which was paid to the decree holder. Despite many directions, the decree holder is not refunding the remaining amount. In Civil Revision No.7769 of 2019, the following order was passed:-

*“1. The dispute is between the decree holder and the judgment debtor. As per the decree passed in favour of the petitioner (decree holder), he is entitled to ₹ 19,75,116.15 with interest @ 12% per annum w.e.f. 22.11.2003 till realization thereof.*

*2. In the execution petition, the property of the judgment debtor was sold through court auction for ₹ 72,70,000/- and the entire amount has been paid to the decree holder. On an application filed by the decree holder, the Court has ordered the petitioner to refund the*

*excess amount of Rs.19,41,404.18. The Executing Court has relied upon the calculation submitted by the judgment debtor, according to which the total amount due upto 21.11.2017 comes to Rs.53,28,595.82 and directed the petitioner to deposit the same.*

*3. Heard the learned counsel representing the parties and with their able assistance, perused the paper-book.*

*4. The learned counsel representing the petitioner contends that the Executing Court has committed an arithmetic error in calculating the amount.*

*5. Be that as it may.*

*6. Let the petitioner deposit the amount and then apply to the Executing Court for recalculating the same. If any further amount is found payable to the decree holder, the Court will pay the same, forthwith.*

*7. With the observations made above, the present revision petition is disposed of.”*

2. More than one year has passed, the petitioner has yet not paid the amount. He filed application for adjustment of the amount on the ground that some amount has been deposited as income tax. The Executing Court has already observed that let the petitioner deposit the amount and thereafter apply for the adjustment.

3. In the opinion of the court, the Executing Court has, in the facts of the case, correctly directed the petitioner to deposit the amount after adjusting the amount of decree in his favour.

4. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

5. Dismissed.

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

September 21, 2023  
nt

(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned  
Whether reportable

:YES/NO  
:YES/NO