

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

**CR No.5940 of 2022
Date of Decision: 31.01.2023**

Darshan Singh

...Petitioner

Versus

Gurmej Singh through his LR

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Rahul Jaswal, Advocate
for the petitioner.

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MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision-petition, the petitioner-Objector -Judgment-Debtor (here-in-after to be referred as 'the petitioner') has laid challenge to the order dated 17.11.2022 (Annexure P-4) passed by learned Civil Judge (Junior Division), Panipat (for short 'the Executing Court'), in the Execution Application No.195 of 2019 (Annexure P-2), whereby the Objections (Annexure P-3), as filed by him, have been dismissed.

2. I have heard learned counsel for the petitioner in the present revision petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for the petitioner contends that the petitioner has already paid the settlement amount of Rs.8.5 lac to the respondent-Decree-Holder (here-in-after to be referred as 'the respondent') and his

brother named Paramjeet, in compliance of the order dated 11.09.2018 (Annexure P-6) and now, nothing remains due to the respondent from him (petitioner) but vide the impugned order, the Executing Court has wrongly dismissed the Objections filed by the petitioner in this regard and hence, the said order is not legally sustainable and deserves to be set-aside.

4. However, the afore-raised contention is devoid of any merit because concededly, the respondent and his above-said brother had filed two Criminal Complaints (Annexures P-9 and P-8 respectively) against the petitioner under Sections 138/142 of the Negotiable Instruments Act and the same had been decided in 'Daily Lok Adalat' vide order Annexure P-6 on the basis of the compromise/settlement arrived at between the parties, whereby the petitioner had agreed to pay a total sum of Rs.8.5 lac towards the full and final settlement of the monetary transactions under dispute. The respondent filed Execution Application Annexure P-2, while averring that out of the settlement amount, the petitioner had paid a sum of Rs.2 lac only and the balance amount of Rs.6.5 lac was still outstanding against him.

5. Though, in his Objections, the petitioner has asserted that he has already paid the entire afore-mentioned settlement amount to the respondent and his brother but as mentioned earlier, the respondent has acknowledged the receipt of Rs.02 (two) lac only and the petitioner has not placed any receipt or document on the file to substantiate his plea qua the payment of the above-referred balance amount of Rs.6.5 lac by him. In the normal course of events, no prudent person would part with such a substantial amount without getting any written acknowledgement from the

payee regarding the receipt of the same. In these circumstances, it is quite explicit that the Executing Court has rightly dismissed the Objections filed by the petitioner.

6. As a sequel to the fore-going discussion, it follows that the impugned order (Annexure P-4) does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

31.01.2023

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(MEENAKSHI I. MEHTA)
JUDGE

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