

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

CR-6139-2022

Date of Decision :01.05.2023

Parminder Singh

...Petitioner

Versus

Amarjit Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny K. Singla, Advocate for petitioner.

Mr. Mohd. Jameel, Advocate for the respondent No.1.

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Harsimran Singh Sethi, J. (Oral)

Present revision petition has been filed for setting aside order dated 02.12.2022 (Annexure P/3) passed by the Executing Court.

Learned counsel for the parties agree that the petitioner being a judgment debtor is ready to satisfy the decree in question dated 17.02.2017.

Learned counsel for the petitioner-judgment debtor submits that the petitioner has already deposited a sum of Rs.7,00,000/- in pursuance to the order dated 23.12.2022 passed by a Coordinate Bench of this Court and the remaining amount will be deposited either in installments or in lump sum so as to satisfy the decree in question by 31.12.2023.

Learned counsel for the respondents-decree holder submits that keeping in view the undertaking given on behalf of the petitioner-judgment debtor, order dated 02.12.2022 (Annexure P/3) passed by the Executing Court may be set aside but it may be clarified that in case, the petitioner-

judgment debtor does not comply with the undertaking given before this Court, trial Court will be free to execute the decree in question in accordance with law.

Keeping in view the above, present revision petition is allowed. Order dated 02.12.2022 (Annexure P/3) passed by the Executing Court is set aside keeping in view the undertaking given by the petitioner-judgment debtor before this Court that decree in question dated 17.02.2017 will be satisfied either by making payment in installments or in lump sum by 31.12.2023 to the respondents-decree holder. In case, the said undertaking is not complied with, the Executing Court will be free to pass an appropriate order in execution proceedings in accordance with law.

It may be noticed that in case petitioner-judgment debtor does not comply with the undertaking recorded hereinbefore, he will also be liable for contempt of Court for misleading this Court so as to gain time for the execution of the decree on fake pretext.

As the amount of sum of Rs.7,00,000/- in pursuance to order dated 23.12.2022 passed by a Coordinate Bench of this Court has already been deposited by the petitioner-judgment debtor, the same be released to the respondent-decree holder. Trial Court is directed to ensure that undertaking given by the petitioner-judgment debtor before this Court be complied with in its letter and spirit.

Present revision petition stands allowed in above terms.

May 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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