

2023:PHHC:163299

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136

RSA No.3868 of 2023 (O&M)
Date of Order:19.12.2023

Banta Singh (since deceased) through LRs

.Appellant

Versus

Parveen Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Rohit Singla, Advocate
for the appellant.**

ANIL KSHETARPAL, J

C.M.No.13846-C-2023

1. Allowed as prayed for

C.M.No.13847-C-2023

2. For the reasons stated in the application which is supported by an affidavit, the application for bringing on record the legal representatives of deceased late Sh. Banta Singh [appellant] mentioned in the paragraph 2 of the application, is allowed, subject to all the just exceptions.

3. The office is directed to carry out the necessary corrections in the memorandum of parties.

4. CM stands disposed of.

MAIN

5. In this regular second appeal, the correctness of the concurrent findings of fact arrived at by the courts below while decreeing the plaintiff's suit for recovery of the amount is assailed by the defendant.

6. This appeal has been filed along with an application for condonation of delay of 412 days in filing the appeal.

7. At the outset, the learned counsel representing the appellant submits that the heirs of the defendant are prepared to pay the decretal amount in installments and this court should permit them to repay the amount. This court has also been informed that the property of the Judgment Debtor has been attached and the Executing Court is likely to sell the same in a court auction.

8. On a court question, the learned counsel representing the appellant submits that he is unable to draw the attention of the court to any substantive error in the concurrent judgments of the courts below.

9. Keeping in view the aforesaid facts and discussion, the appeal is dismissed with the observations that the appellant may file an application before the Executing Court offering to repay the decretal amount in installments. If such application is filed, the Executing Court shall consider the application sympathetically.

10. Since, the main appeal has been dismissed, hence, no further order in the application for condonation of delay is required to be passed.

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

December 19, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO