

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

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2024:PHHC:031478

CR-1419-2024

Date of decision: 05.03.2024

M/S DSC LTD AND OTHERS

..Petitioners

Versus

DHARAMVIR SHARMA AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumeet Mahajan, Sr. Advocate
with Mr. Rohit Chandel, Advocate
Mr. Saurabh Gautam, Advocate
Mr. Saksham Mahajan, Advocate
and Mr. Abhishek Bansal, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

1. The petitioner No.1 is a judgment debtor, whereas, petitioner No.2, 3 and 4 are its Directors. Against petitioner No.1, there is a Civil Court decree for recovery of Rs.41,69,906/- along with interest at the rate of 9% per annum from the date of institution of the suit till its realization along with Court fee of Rs.1,67,320/-. The total dues as per the decree holder are Rs.65,88,975/-. In this revision petition, the challenge is to the correctness of two different orders passed by the Executing Court on 27.02.2024 and 12.09.2023. It has been directed that the Director should appear in the Court and show cause why they should not be detained in civil imprisonment.

2. The learned Senior counsel representing the petitioners contends that the Executing Court has passed the order without considering the material placed on file. He submits that the Executing Court has formed an opinion on the basis of a document, which was produced at the time of hearing, however, the Court has failed to consider the affidavit filed by petitioner No.4 Sh. Ram Kumar Saini on 27.02.2024.

3. This Court has considered the submissions of the learned counsel representing the petitioners.

4. The Executing Court has only directed the petitioners-Directors to appear in the Court and explain. It shall be open to the petitioners to contend before the Executing Court that the impression gathered by the Executing Court that the funds of the judgment debtors were transferred to the sister concern is wrong.

5. Keeping in view the aforesaid facts, the revision petition is disposed of with the observations that if the petitioners appear before the Executing Court and furnish explanation, the same shall be considered by the Court uninfluenced by the previous orders passed by the Court. If the Court comes to the conclusion that some further action is required to be taken against the Directors, a show cause notice will be given and they shall be granted reasonable opportunity to file their reply.

6. With these observations, the revision petition is disposed of.

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

March 05th, 2024

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(ANIL KSHETARPAL)
JUDGE

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