



CR-2568-2021

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

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CR-2568-2021

Date of decision:12.09.2024

THE PATIALA CENTRAL COOPERATIVE BANK LTD**...PETITIONER****VERSUS****GURJEET SINGH AND ORS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Naginder Singh Vashist, Advocate for the petitioner.

None for respondents No.1 to 3.

SUVIR SEHGAL, J.(ORAL)

1. At the outset, counsel for the petitioner requests that name of respondent No.4 be ordered to be deleted from the array of the parties. His request is accepted. Name of respondent No.4 is ordered to be deleted.

2. Instant revision petition has been filed under Article 227 of the Constitution of India *inter alia* for setting aside order dated 29.11.2019, Annexure P-7, passed by the Executing Court.

3. Counsel for the petitioner submits that a loan of Rs.1 lac was sanctioned to respondent No.1 on 07.09.2015 and respondents No.2 and 3 stood as guarantors. He submits that respondent No.1 defaulted in the repayment of the loan installments and the petitioner referred the dispute to an Arbitrator under Sections 55/56 of the Punjab Cooperative Societies Act, 1961 (for short "the Act"). He submits that summons were duly served upon respondents No.1 to 3, who did not appear before the Arbitrator and award dated 25.08.2017,

Annexure P-3, has passed in favour of the petitioner for an amount of

Rs.81,664/-, besides cost and interest @ 19% p.a. interest. He submits that after getting a certificate under Section 63(a) of the Act, petitioner file an execution petition, Annexure P-4, and upon being served, a reply, Annexure P-5, was filed. Counsel submits that the reply was rebutted by the petitioner vide, Annexure P-6, however, the Executing Court has dismissed the execution petition holding that the decree-holder/petitioner has failed to produce any record regarding the service of the respondent. Counsel for the petitioner has made a reference to the summons, Annexure P-2, to submit that JD-respondents No.1 to 3 were duly served.

4. Despite service, there is no representation on behalf of contesting respondents No.1 to 3. Counsel for the petitioner has been heard.

5. A perusal of the summons, Annexure P-2, shows that they probably bear the signatures of the JD-respondents No.1 to 3. However, the executing Court has not examined the copy of the summons nor afforded sufficient opportunity to the petitioner to explain. It is evident that the Court has fallen in error while dismissing the execution petition by passing the impugned order, which cannot be sustained.

6. Accordingly, impugned order, Annexure P-7, is set aside and the matter is remitted to the Executing Court, Nabha, who shall proceed further in accordance with law.

7. Petition is disposed of.

8. Parties are directed to appear before the Executing Court, Nabha, on 14.10.2024 at 10.00 A.M.

12.09.2024 (SUVIR SEHGAL)
sheetal JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No