



CR-3344-2024 (O&M)

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

120

CR-3344-2024 (O&M)

Date of Decision: 12.11.2024

Major Singh

... Petitioner

V/S

The Basti Wakilan Wali Co-operative
House Building Society Limited

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Rahul Arora, Advocate for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant revision petition has been filed under Section 227 of the Constitution of India for setting aside order dated 31.05.2023, Annexure P-1, passed by learned Civil Judge (Junior Division), Ferozepur in Execution No. 156/2021, titled as The Basti Wakilan Wali Co-operative House Building Society Limited Versus Major Singh.

2. A brief summary of facts leading to the filing of the petition are that the petitioner had taken a housing loan from Society-respondent and as a dispute arose between them, matter was referred to an Arbitrator, who passed an *ex-parte* award, dated 15.12.2006, under Section 55 of the Punjab Co-operative Societies Act, 1961 (for short 'the 1961 Act'). A recovery certificate dated 25.01.2016, Annexure P-3 was



issued to the Society under Section 63(a) of the 1961 Act. Respondent-society filed first execution petition on 01.12.2016, which was dismissed in default on 18.03.2017. Another execution petition was filed on 09.08.2021, Annexure P-4, and upon appearing, petitioner filed an objection regarding its maintainability on the ground of limitation, which has been rejected vide order impugned herein.

3. Counsel for the petitioner submits that the execution petition is barred by limitation as it has been filed after the period of 12 years of the passing of the impugned award. Refuting his argument, counsel for the respondent has placed reliance upon judgment of Division Bench of Gujarat High Court in **Rabari Khoda Mesur Versus Shri Gajanan Sahkari Pedhi Ltd., Patan and others, Law Finder Doc Id # 768791** to contend that the limitation has to be computed from the date of issuance of a certificate under Section 63(a) of the 1961 Act.

4. I have heard counsel for the parties and considered their respective submissions.

5. In **Rabari Khoda Mesur's** case (supra), Gujarat High Court has observed as under:-

“30. Having duly considered all the cases cited by the learned advocate for the appellant we consider that the better view to take is that the date of the decree for the purpose of limitation under [Section 48](#) of the Code of Civil Procedure 1908 in cases where awards or orders have been passed on a reference under [Section 54](#) of the Bombay Co-operative Societies Act 1925 and



where a certificate has been granted as provided by [Section 59 \(1\)\(a\)](#) of that Act is the date when the certificate is signed and not the date when the award was made or the order was passed and we hold accordingly.”

6. It is, therefore, evident from the above that the award gets the status of a decree when certificate under Section 63(a) of the 1961 Act, is signed by the competent authority. Adverting to the facts of the present case, it is apparent that the requisite certificate, Annexure P-3 was issued on 25.01.2016 and the second execution petition has been instituted on 09.08.2021. Execution petition is, therefore, within the prescribed period of limitation. There is no illegality or infirmity in the order passed by the learned Executing Court.
7. Finding no merit in the petition, it is hereby dismissed.

12.11.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No