



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

303

Date of decision : 28.10.2024

1. CR-5329-2022 (O&M)

M/s. Pardeep Kumar Kuldeep Kumar and another Petitioners

versus

M/s. Shiv Lal Raj Kumar & Sons Commission Agent
and ors. Respondents

2. CR-3311-2022

M/s. Shiv Lal Raj Kumar & Sons Petitioners

versus

M/s. Pardeep Kumar Kuldeep Kumar and ors. Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sanjiv Kumar Aggarwal, Advocate
Mr. Ojas Bansal, Advocate and
Mr. Tejas Bansal, Advocate
for the petitioners in CR-5329-2022 and
for respondents No.1 and 2 in CR-3311-2022.

Mr. Sushil Jain, Advocate
for respondent No.1.

Mr. Akshay Jindal, Advocate
for applicants-proposed respondents No.7 & 8.

PANKAJ JAIN, J. (Oral)

1. By way of present revision petition, challenge is to the order dated 27.10.2022 (Annexure P-1) passed by Executing Court whereby application filed by the petitioner with the decree holder requesting executing court to recalculate the amount and adjust the excess amount, if any, to the satisfaction of decree in the separate suit



i.e. civil suit No.156 of 2015 has been dismissed.

2. Respondent No.1 Siddhi Vinayak suffered separate decrees for recovery of an amount of Rs.56,25,817/- alongwith interest @ 18% in civil suit No.81 of 2015 and that of Rs.1,26,7,667/- in civil suit No.156 of 2015. Decree holder i.e., the present petitioner in civil suit No.81 of 2015 and petitioner in CR No.3311 of 2022 filed execution petitions based upon the aforesaid decrees.

3. To satisfy the aforesaid decrees, the properties of judgment debtor have been ordered to be auctioned by the executing court.

4. Decree holder filed present application claiming that pursuant to order dated 03.09.2021, Executing Court assessed that an amount of Rs.1,24,60,074/- is due towards judgment debtor till 07.10.2021 and rest of the amount is in excess. However, the actual amount due was never calculated. He refers to Order 21 Rule 64 to submit that law caste duty upon the Executing Court to be satisfied whether it is only part of the attached property which needs to be sold or it is whole property that will suffice the payment of decretal amount. Such satisfaction is dependent upon calculating the exact amount recoverable under the decree.

5. Counsel for the parties are *ad idem* that the present petitions can be disposed off with the direction to the Executing Court to calculate the exact amount recoverable under the first decree under execution within a period of 12 weeks from the date of receipt of certified copy of the order.

6. The aforesaid exercise be first carried out by the Court which is seized off execution prior in time i.e. Executing Court at



Safido. On calculating the aforesaid amount, the Court shall pass an order whether there is any residual amount to be adjusted in execution of the subsequent decree or not.

7. Needless to observe no objection to the calculation made by the Court shall be entertained at the behest of any of the parties as both the parties are entitled to be heard while effecting the aforesaid exercise.

8. The aforesaid order is being passed with the consent of the parties.

9. Parties to appear before the Executing Court at Safido on **07.11.2024.**

10. Disposed off, accordingly.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

12. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

28.10.2024

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No