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

CR-6757-2024 (O&M)
Date of decision: 17.12.2024

Dalip Singh

...Petitioner

Versus

Rajesh Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Khiva, Advocate for the petitioner.

Ms. Anju Arora, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 17.05.2024 (Annexure P-12) passed by the Civil Judge (Junior Division), Budhlada whereby the Executing Court had dismissed the application filed under Order 41 Rule 6(2) CPC by the petitioner for staying the execution proceedings. Other prayers have also been made in the present revision petition.

2. On 21.11.2024, this Court had passed the following order:-

“Present: Mr.J.S. Khiva, Advocate for the petitioner.

*Learned counsel for the petitioner has submitted that
although in the order dated 17.05.2024, it has been averred*



that the amount in the account which was attached on 03.10.2023, which at that time had an amount of Rs.1,87,615/-, has been withdrawn but actually the said amount has not been withdrawn and in the said account, the amount of Rs.1,87,615/- is still outstanding and the decree holder can recover the said amount from the said account, subject to the decision of the appeal.

On a pointed query raised by this Court to show as to where the said averment in the reply on the said aspect has been made or any prima facie proof to show that the said amount is still outstanding and the argument recorded in paragraph 2 of the order dated 17.05.2024 (Annexure P-13) is wrong, learned counsel for the petitioner has submitted that he has specific instructions that the said amount is still lying in the bank account which was attached on 03.10.2023 and has stated that the petitioner would be ready to pay the costs of Rs.2 lacs in case, the said statement is found to be false.

Notice of motion for 02.12.2024.

To be shown in the urgent list.

Liberty is granted to the petitioner to serve the respondent through the counsel appearing in the executing Court as well as through dasti process.

The petitioner is also directed to produce the account statement to show that the amount is still outstanding.”

3. Thereafter on 02.12.2024, this Court had passed the following order:-

“Present: Mr. J.S. Khiva, Advocate for the petitioner.

Learned counsel for the petitioner has produced a copy of the statement of the account of Punjab National Bank, which is in question, to show that even as on 22.11.2024, a credit of Rs.1,96,302.59 is lying in the same. As per report of the



Registry, the counsel had not come to collect the dasti summons and further, the respondent had not met at the relevant time.

Let fresh notice be issued to the respondent through dasti process for 12.12.2024.

Liberty is granted to the petitioner to serve the respondent through the counsel appearing in the Executing Court.

To be shown in the urgent list.”

4. During the course of arguments, a consensus has arrived at between the parties and with the consent of learned counsel appearing on behalf of both the parties, the present revision petition is disposed of with the following terms:-

- i) The petitioner as undertaken before this Court would not object to the release of an amount of Rs.1,87,615/- in favour of the respondent-decree holder from the bank account of the present petitioner bearing Account No.1266000100053224 in the Punjab National Bank, Baretta.
- ii) It would be open to the decree holder to move an application for release of the said amount from the said account and in case of the decree holder moving the said application, the Executing Court would get the said amount released from the abovesaid bank account of the present petitioner to the respondent-decree holder subject to him furnishing adequate security for the same to the satisfaction of the Executing Court. The release of the said amount would also be subject to the decision of the appeal which has been preferred by the petitioner against the judgment and decree dated 01.09.2022 (Annexure P-7).



- iii) On the release of the said amount in favour of the decree holder, the execution proceedings would be kept in abeyance till the decision of the appeal filed by the petitioner against the judgment and decree dated 01.09.2022.
 - iv) The Executing Court would proceed further after decision of the said appeal in accordance with the final order passed in the said appeal.
5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

17.12.2024
Pawan

(VIKAS BAHL)
JUDGE

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