



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

116

CR-1774-2017 (O&M)**Date of decision : 07.05.2025****Satnam Singh @ Sonu****..... Petitioner****versus****Gagandeep Singh and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Ashish Aggarwal, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

1. Challenge is to the order dated 15.12.2016 whereby objections filed by the judgment debtor-petitioner in execution stands dismissed.

2. The issue relates to execution of the award passed by MACT, Amritsar. The five claimants namely Gursharan Kaur, Gagandeep Singh, Gurkanwaldeep Singh, Jagandeep Kaur and Krishan Kaur jointly preferred a claim petition seeking compensation on account of death of Professor Jaswant Singh Pahwa being his legal representatives. The claim petition was allowed. Operative part of the award reads as under:-

“Relief.

14. In view of my findings on the above noted issues the award for Rs. 13,58,448/- is passed in favour of the claimants and against the respondents No. 1 and 2. The respondents No. 1 and 2 shall be jointly and severally liable to pay Rs. 13,58,448/- as compensation to the claimants which shall be



shared by all the claimants equally. The amount of award shall carry interest at the rate of 6% p.a., if the amount of award is paid by the respondents No. 1 and 2 within two months failing which the amount of award would carry interest at the rate of 9% p.a. from the date of filing of the claim petition till realization of the amount of award. The claimants are also entitled to Rs. 2000/- on account of funeral expenses and Rs. 3000/- on account of loss of estate so the total amount comes to Rs. 13,63,448/- which is rounded off as Rs. 13,64,000/-. Cost of petition is assessed Rs. 1500/-. Memo of costs be prepared. File be completed and consigned to the record room.”

3. Execution application was filed. Two of the decree holders namely Gursharan Kaur and Gurkanwaldeep Singh effected compromise with the judgment debtors and withdrew the execution petition. The present execution petition was filed by respondent-Gagandeep Singh one of the decree holders.

4. The objections were filed by the Judgment Debtor claiming that execution filed already stands satisfied whereby Gursharan Kaur and Gurkanwaldeep Singh agreed to accept Rs.11,00,000/- as full and final settlement and the same was paid to Gurkanwaldeep Singh by the objector and thus, the second execution application is not maintainable.

5. Executing Court dismissed the objections holding that it is only Gursharan Kaur and Gurkanwaldeep Singh, who compromised with JDs. The other decree holders including the present petitioner namely Gagandeep Singh were not present. No statement was made on their behalf in the execution application and thus, he is entitled to maintain the execution petition being decree holder.

6. Mr. Narang relies upon order XXI Rule 15 Code of Civil Procedure to submit that amount paid to any of the legal heirs would be



sufficient to satisfy the decree. He thus, submits that the judgment debtor cannot be forced to pay amount more than awarded.

7. *Per contra*, Mr. Aggarwal submits that though the judgment debtor claims to have paid Rs.11 lacs, however, he failed to prove the same. Gursharan Kaur and Gurkanwaldeep Singh compromised with respect to award qua their share. The compromise between the JD, Gursharan Kaur and Gurkanwaldeep Singh cannot be read to deny fruits of the decree to the present execution petitioner-Gagandeep Singh.

8. I have heard counsel for the parties and have carefully gone through the records of the case.

9. In order to appreciate plea raised by Mr. Narang, it will be apt to peruse order XXI Rule 15 which reads as under:-

“15. Application for execution by joint decree-holders.

(1) Where a decree has been passed jointly in favour of more persons than one, any one or more such persons may, unless the decree imposes any condition to the contrary, apply for the execution of the whole decree for the benefit of them all, or, where of them has died, for the benefit of the survivors and the legal representatives of the deceased.

(2) Where the Court sees sufficient cause for allowing the decree to be executed on an application made under this rule, it shall make such order as it deems necessary for protecting the interest of the persons who have not joined in the application.”

10. The argument raised is misconceived. Reliance on provision of law is misplaced. The provision deals with the situation wherein the execution has been filed by the legal heirs of the decree holder. In the present case, the execution petitioner himself is a decree holder. The Executing Court has rightly held that a compromise effected between JD and some of the decree holders cannot be construed



as a compromise to satisfy the other decree holders unless it is proved that all the decree holders were party to the compromise.

11. Finding no merit in the present revision petition, the same is ordered to be dismissed. The amount already deposited be released to the decree holder.

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

(PANKAJ JAIN)
JUDGE

07.05.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No