



CR No.1640 of 2023

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

214

Civil Revision No.1640 of 2023
Date of decision: November 20th, 2025

Akshat Jain

.....Petitioner

Versus

M/s Spell Fashion Pvt. Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. Vivek Salathia, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 27.02.2023 (Annexure P-13), whereby an application under Section 51 read with Rule 37 Order 21 CPC filed by the respondent had been allowed by the Executing Court.

2. Learned counsel for the respondent has submitted that in the present case, vide judgment and decree dated 19.9.2015, the suit filed by the respondent against the present petitioner was decreed and the respondent-plaintiff was held entitled to recover an amount of ₹11,56,234/- from the defendant along with 9% interest from the date of filing of the suit till the date of recovery. It is submitted that in spite of the fact that the decree is of the year 2015, yet the petitioner has not paid any amount.

3. Learned counsel for the petitioner has submitted that the petitioner is in financial difficulty and would pay the amount but can pay the

same only in installments and also has prayed for substantial reduction on



the rate of interest.

4. Learned counsel for the respondent, in view of the prayer made by the petitioner and after getting instructions, has submitted that in case the petitioner pays the principal amount in a time bound manner, then the respondent would reduce the rate of interest from 9% to 5% per annum. It is further submitted that even the balance amount on account of interest at the rate of 5% be paid in a time bound manner.

5. Learned counsel for the petitioner has submitted that the petitioner would pay the principal amount of ₹11,56,234/- within a period of three weeks from today and the balance amount on account of interest at the rate of 5% per annum would be paid within a period of six weeks from today. It is submitted that the Executing Court be requested to adjourn the proceedings for a period of six weeks and the warrant of arrest issued against the petitioner be not implemented for a period of said six weeks.

6. Keeping in view the abovesaid facts and circumstances and the fair stand taken by learned counsel for the petitioner and the learned counsel for the respondent, the present revision petition is disposed of with the following observations/directions:

- (i) The petitioner as undertaken before this Court would deposit an amount of ₹11,56,234/- within a period of three weeks from today before the Executing Court and on the deposit so made, the Executing Court shall release the said money to the respondent.
- (ii) The petitioner would also deposit the amount on account of interest at the rate of 5% per annum on the abovesaid amount from the date of filing of the suit till the date of recovery within



a period of six weeks from today before the Executing Court and on his depositing the said amount before the Executing Court, the Executing Court will release the same to the respondent.

- (iii) The warrant of arrest issued against the petitioner would not be executed for a period of six weeks. In case the amount is deposited, then the impugned order would be considered to be set aside and the respondent would withdraw the execution proceedings. However, in case the petitioner does not deposit the amount as detailed hereinabove, then the present revision petition would be deemed to have been dismissed.

November 20th, 2025
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No