



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

**Civil Revision No. 2752 of 2021 (O&M)
Date of Decision: 26.08.2025**

Harbans Lal (now deceased) through LRs

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Shubreet Kaur, Advocate
for the petitioner(s)-plaintiff.

Mr. Gunjan Mehta, Additional Advocate General, Punjab
for the respondents.

HARKESH MANUJA, J. (ORAL)

The petitioners-legal representatives of plaintiff-Harbans Lal, who is stated to have died, by way of present revision petition under Article 227 of the Constitution of India, seek setting aside of the orders dated 11.02.2021 & 23.08.2021 (Annexures P-8 & P-11 respectively) passed by the learned Civil Judge (Junior Division), Ludhiana in Execution Petition No. 248 of 2016 in Civil Suit No. 278 of 22.10.1998, whereby the Executing Court has declined the relief(s) prayed for by the plaintiff, despite his suit having been decreed vide judgment and decree dated 08.01.2007 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Ludhiana; the same been upheld upto the Hon'ble Supreme Court.

[2] Briefly stating, a suit for declaration as well as mandatory injunction bearing **Civil Suit No. 278 of 22.10.1998**, titled ***"Harbans Lal***

Versus Punjab State, Department of Food & Supplies (through its Secretary), Chandigarh) and another”, came to be decreed on 08.01.2007 (Annexure P-1) in favour of the petitioner/plaintiff-Harbans Lal (since deceased). The operative part thereof is extracted hereunder:-

“ *Suit for decree of declaration to the effect that office order No. I-A (1) (504)-95/8170 dated 24.11.95 and Appellate order endst.no. I-A (1) 504-98/987 dated 23.2.98, is illegal, arbitrary, malafide, against the principle of natural justice and fair play and for the grant of mandatory injunction directing the defendants to reinstate the plaintiff with continuity of service and full back wages alongwith all consequential benefits viz. increments and revised scale of pay alongwith interest @ 18% percent.*

ON THE BASIS OF ORAL AND DOCUMENTARY EVIDENCE.

Plaint presented on 22.10.98.

This suit coming on this 8th day of January, 2007, for final disposal before me (Ravi Inder Kaur, Civil Judge (Jr. Division), Ludhiana, in the presence of Shri N.C. Kapil Advocate, counsel for the plaintiff and Govt. Pleader for the defendants. It is ordered that the suit of the plaintiff is decreed and order no. I-A(1) (504)-95/8170 dated 24.11.95 Appellate order endst no. I- (504)-98/987 dated 23.2.98 is declared as illegal, arbitrary, malafide against the principle of natural justice and fair play. It is directed to the defendant to reconsider the matter again against the plaintiff. However the defendants are at liberty to reconduct or reinitiate the enquiry proceedings where they have not complied with the rules and regulations stated in the above detailed issues and consider the matter again as per the appropriate rules and orders. Plaintiff is entitled for consequential benefits also. As the case is old one and matter remained pending since long, therefore

defendants are directed to consider the inquiry proceedings if initiate against the plaintiff and conclude the same within one year.”

[3] Aggrieved thereof, the respondents-State of Punjab preferred first appeal, however, the same was dismissed vide decision dated 20.12.2010 (Annexure P-2) passed by the learned Additional District Judge, Ludhiana. Further, Regular Second Appeal No. 446 of 2012, preferred at the instance of respondent, was also dismissed by this Court vide decision dated 29.01.2016 (Annexure P-3) and accordingly, the judgment and decree dated 08.01.2007 passed in favour of the petitioner-plaintiff became final.

[4] Learned counsel for the petitioners-LRs of plaintiff submits that though, all consequential benefits in terms of the aforementioned judgment and decree dated 08.01.2007 were released in favour of the petitioner-plaintiff, however, interest thereon was never paid. While referring to the issues framed in the suit, which are extracted hereinafter (Page-46 of the paper-book), learned counsel submits that once, both Issue Nos. 1 & 2 were decided in favour of the plaintiff-deceased, he was entitled for release of interest as claimed and prayed for in the plaint and as such, the Executing Court went wrong while rejecting the consequential prayer made by the petitioner for attachment of the properties owned by respondents against non-payment of interest.

- “ 1. *Whether the order No. IA (I) (504)-95/8170 dated 24.11.95 and appellate order No. IA(I)-504-98/987 dated 23.2.98 are illegal, arbitrary, malafide and against the principles of natural justice? OPP*
2. *Whether the plaintiff is entitled to mandatory injunction ? OPP*

3. *Whether the plaintiff has no cause of action to file the present suit ? OPD*
4. *Relief.”*

[4.1] Learned counsel for the petitioners also submits that in view of ambiguity been faced by the trial Court; the Executing Court again failed to exercise the jurisdiction vested in it while having rejected the application preferred at the instance of petitioners invoking Order 47 Rule 1 read with Order 46 Rule 1 CPC for making a reference to this Court with respect to the judgment and decree passed by the trial Court. It is, thus, prayed that the impugned orders are liable to be set aside and the petitioners are entitled for release of interest on the consequential benefits released to them in terms of judgment and decree passed by the learned trial Court. In support, learned counsel relies upon a decision rendered by the Hon’ble Supreme Court in case **“Deep Chand and others Versus Mohan Lal”, (2000) 6 SCC 259**. Relevant para-5 thereof is extracted hereunder:-

“5.It must, however, be remembered that the purpose of execution proceeding is to enable the decree-holder to obtain the fruits of his decree. In case where the language of the decree is capable of two interpretations, one of which assists the decree-holder to obtain the fruits of the decree and the other prevents him from taking the benefits of the decree, the interpretation which assists the decree-holder should be accepted. The execution of the decree should not be made futile on mere technicalities which does not, however, mean that where a decree is incapable of being executed under any provision of law it should, in all cases, be executed notwithstanding such bar or prohibition. A rational approach is necessitated keeping in view the prolonged factum of litigation resulting in the passing of a

decree in favour of a litigant. The policy of law is to give a fair and liberal and not a technical construction enabling the decree-holder to reap the fruits of his decree. ”

[5] On the other hand, learned State Counsel submits that once, no specific relief with respect to the benefit of interest was ever awarded in favour of the petitioners, the impugned orders being based on proper appreciation of facts and law applicable them to call for no interference by this Court in its revisional jurisdiction.

[6] After hearing learned counsel for the parties and having gone through the paper-book, I am unable to find substance in the submission(s) made on behalf of the petitioners.

[7] A perusal of the judgment and decree dated 08.01.2007 shows that the suit of the deceased-plaintiff was decreed with all consequential benefits, however, no relief whatsoever was granted in his favour for award of interest thereupon. Once, the judgment and decree dated 08.01.2007 passed by the trial Court was clear and explicit with respect to the interest not been awarded in favour of plaintiff-Harbans Lal (since deceased), no illegality or perversity can be found with the discretion exercised by the learned Executing Court having passed the orders dated 11.02.2021 & 23.08.2021.

[8] Furthermore, in the humble opinion of this Court, the proposition of law laid down by the Hon'ble Apex Court in ***Deep Chand's case (supra)***, would not come to the rescue of petitioners as in the present case, judgment and decree passed by the trial Court is clear as there is no ambiguity or issue of interpretation thereof involved in the given facts.

[9] Accordingly, finding no merit in the present revision petition, the same is thus **dismissed**.

[10] Pending miscellaneous application(s), if any, shall also stand disposed off.

August 26, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>