



CR-7415-2025

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

(122)

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Date of Decision:-30.10.2025

M/s Sri Jan Traders

.....Petitioner

Versus

M/s Sachdeva Hosiery

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 12.09.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, in Execution Case No. EXE-376-2023, whereby the application filed by the petitioner seeking reduction of the amount of monthly installment was dismissed.

2. Brief facts of the case are that the respondent had filed a claim petition before the Micro and Small Enterprises Facilitation Council, Ludhiana, seeking recovery against the petitioner. The said claim was allowed and decreed for an amount of Rs. 20,58,303/- along with interest in terms of Sections 15 and 16 of the MSME Development Act, 2006.

2.2 Thereafter, the respondent filed an execution petition before the learned Executing Court, Ludhiana. During the pendency of the said

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proceedings, the parties arrived at a settlement on 05.04.2024, whereby the petitioner agreed to pay a total sum of Rs. 26,00,000/- in full and final settlement of the decree. As per settlement, the petitioner undertook to pay Rs. 9,00,000/- in nine monthly installments of Rs. 1,00,000/- each and the remaining in further installments of Rs. 1,50,000/- every three months in a year. It was further agreed that in the event of default, the decree-holder would be entitled to recover the entire decreetal amount along with interest as per the award. The statements of both the parties were duly recorded by the learned Executing Court vide order dated 05.04.2024 (*Annexure P-2*).

2.3 The record reveals that the petitioner made regular payments in compliance with the said settlement. From May 2024 till April 2025, the petitioner deposited a total sum of Rs. 9,50,000/- through RTGS transactions. Due to temporary financial hardship, the petitioner moved an application before the learned Executing Court seeking reduction in the amount of monthly installment. However, said application was dismissed vide the impugned order dated 12.09.2025. Aggrieved thereby, the petitioner has filed the present revision petition.

3. Learned counsel for the petitioner submits that the Court below failed to appreciate that the application was not intended to challenge the settlement but merely sought modification of the payment schedule due to medical exigencies. It has been contended by learned counsel for the petitioner that after making substantial payments, the proprietor of the petitioner firm met with a serious road accident, resulting in multiple grievous injuries, including fracture of the backbone and knee and pursuant



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to medical treatment, the petitioner could not attend the business and therefore defaulted in subsequent installments. He further submits that the learned Executing Court has issued warrants of arrest against the petitioner/Judgment Debtor for 30.10.2025, and prays that during the pendency of the present petition, no coercive steps be taken against the petitioner.

4. I have heard learned counsel for the petitioners and perused the paper book.

5. In view of the order proposed to be passed, notice is not being issued to respondent as it would delay the proceedings besides entailing additional expenses to the respondent.

7. It is not disputed fact that the petitioner has already paid ₹ 9,50,000/- under the settlement and the default occurred only after the accident and during a period of medical exigency. The learned Executing Court, while dismissing the petitioner's application, appears to have taken a hyper-technical view, overlooking the fact that the petitioner had demonstrated genuine hardship supported by medical documents. The approach of learned Executing Court in such situations should not be rigid but guided by principles of equity and fairness, particularly when the decree-holder's right to recover the amount remains intact. If the petitioner shows readiness and willingness to pay the balance amount, albeit in a slightly modified schedule and the ends of justice would be better served by allowing a flexible payment plan rather than by enforcing coercive recovery at once.



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6. Considering the peculiar facts and circumstances of the case, as well as the medical condition of the petitioner, the impugned order dated 12.09.2025, passed by the learned Civil Judge (Junior Division), Ludhiana is hereby set aside.

7. The present petition is allowed. The petitioner is directed to deposit a sum of ₹75,000/- per month before the learned Executing Court, starting from 15.11.2025 and thereafter, till the entire settlement amount is realized. Till the said date, no coercive steps shall be taken against the petitioner. However, it is further made clear that in the event of default in payment of any installment, the learned Executing Court shall be at liberty to proceed with the execution of the decree in accordance with law, for the recovery of the balance amount along with interest, as stipulated in the award.

8. The Registry is directed to forward a copy of this order to learned Civil Judge (Junior Division), Ludhiana for compliance.

9. All pending application(s), if any, stand disposed of accordingly.

(AMARINDER SINGH GREWAL)
JUDGE

30.10.2025
Shubham

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