



CR-7080-2024(O&M)

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*

CR-7080-2024(O&M)

Date of decision : 23.01.2025

Karmbir Singh alias Karambir Singh

... Petitioner

Versus

Kartar Singh

... Respondent

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Rahul Arora, Advocate  
for the petitioner.

Mr.Manu Loona, Advocate  
for the respondent.

**VIKAS BAHL, J.(ORAL)**

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 29.10.2024 (Annexure P-8) passed by the Additional Civil Judge (Sr.Div.), Fazilka, vide which the application under Order 21 Rule 54 CPC (Annexure P-6) moved by the respondent-decree holder has been allowed and the warrants of attachment of property of the petitioner have been issued.

2. Learned counsel for the petitioner has submitted that in pursuance of the last order dated 14.01.2025, a demand draft of an amount of Rs.10,000/- in favour of the respondent-decree holder as litigation expenses has been handed over to the learned counsel for the respondent-

decree holder, which fact has been affirmed by learned counsel for the

**CR-7080-2024(O&M)****2**

respondent-decree holder.

3. During the course of arguments, a consensus has been arrived at between the learned counsel for the petitioner as well as the learned counsel for the respondent on instructions from their respective parties and on the basis of the said consensus, the present petition is disposed in the following terms:-

- i) The petitioner undertakes to deposit Rs.6,31,000/- within a period of two months from today. On the petitioner depositing the said amount within the aforesaid period, the same would be released to the respondent-decree holder on the respondent-decree holder furnishing the surety to the satisfaction of the Executing Court.
- ii) It is made clear that in case the said amount is not deposited within the aforesaid period, then the present petition would be deemed to have been dismissed. The order of attachment dated 29.10.2024 would continue till the time the petitioner deposits the said amount and on the date when the amount is deposited, the said order dated 29.10.2024 be deemed to have been set aside.
- iii) In case the application under Order 9 Rule 13 CPC filed by the petitioner is allowed and the suit filed by the respondent-plaintiff is dismissed, then the respondent would be liable to refund the said amount along with interest at the rate of 6% per annum from the date the amount is paid to the respondent-



CR-7080-2024(O&M) 3

plaintiff till the date of return.

iv) In case after allowing the application under Order 9 Rule 13 CPC, the suit of the respondent-plaintiff is allowed, then the respondent-plaintiff would not be required to return the said amount and would be entitled to recover the decretal amount after making adjustment of the amount paid, in accordance with law.

4. It is made clear that this Court has not opined on the merits of the case and the application under Order 9 Rule 13 CPC and all other proceedings would be decided independently by the Court after hearing both the parties on the basis of evidence and pleadings led by both the parties.

(VIKAS BAHL)  
JUDGE

January 23, 2025.  
*Davinder Kumar*

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