

(1990) 05 P&H CK 0014

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 202 of 1988

Regd. Firm Midda Mal Puran
Chand

APPELLANT

Vs

Shivraj Singh

RESPONDENT

Date of Decision: May 15, 1990

Hon'ble Judges: J.V. Gupta, Acting C.J.

Bench: Single Bench

Advocate: Baldev Singh, for the Appellant; S.D. Bhalla, for the Respondent

Final Decision: Allowed

Judgement

J.V. Gupta, ACJ

1. This revision petition is directed against the order of the executing Court dated October 3, 1987, whereby in execution proceedings the executing Court allowed the decretal amount to be paid in installment at the rate of Rs. 1500/- per month and the first installment was to be paid on or before November 15, 1987. The decree was for a sum of Rs. 69870/- with costs.

2. Learned counsel for the petitioner submitted that there was no occasion for the executing Court to allow the installments, nor any such case was made out. In any case argued the learned counsel, even the installments as determined by the executing Court were not paid by the judgment debtor.

3. On the other hand, learned counsel for the judgment-debtor submitted that the installments were not paid in view of the stay order passed by this Court on March 11, 1989.

4. After hearing the learned counsel for the parties, I find merit in this revision petition. Though there was no occasion for the executing Court to fix the installments, yet in any case, even the installments as fixed by the executing Court were not paid. There was no stay as regards the payment of installments; but only

the execution proceedings of the suit were stayed. Thus, it is evident that the judgment debtor had failed to make the payment by installments as well.

5. Consequently, this petition succeeds and in the impugned order is set aside. The executing Court will proceed with the execution application in accordance with law. The parties have been directed to appear in the executing Court on June 6, 1990.