Amar Singh and Another Vs The Punjab National Bank

Civil Revision No. 2918 of 1997

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 4, 1998

Acts Referred:
Civil Procedure Code, 1908 (CPC) â€" Section 47#Haryana Agriculture Credit Operations and Miscellaneous Provisions (Banks) Act, 1973 â€" Section 8(1)

Citation: (1999) 2 CivCC 47 : (1998) 120 PLR 253 : (1998) 4 RCR(Civil) 118

Hon'ble Judges: N.K. Sodhi, J

Bench: Single Bench

Advocate: L.N. Verma, for the Appellant; Hemant Gupta and Sandeep Moudgil, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

N.K. Sodhi, J.
Petitioners and their brother took a tractor loan of Rs. 49,000/- from the Punjab National bank, Sirsa on March 17, 1980

and mortgaged their agricultural land measuring 87 Kanals and 11 Marias situated in village Kariwali, Tehsil Sirsa. Since there was default in

payment of the loan, the respondent-Bank moved an application u/s 8(1) of the Haryana Agricultural Credit Operations and Miscellaneous

Provisions (Banks) Act, 1973* (for short, the Act) for the recovery of Rs. 58,269/-. The suit was decreed. Thereafter, the bank filed an

application for execution of the decree. By an order dated 16.1.1997, the Sub Divisional Officer (Civil), Sirsa, dismissed the objections filed by

the judgment- debtors and issued warrants of attachment. It is against this order that the present revision petition has been filed by the judgment-

debtor.

2. I have heard counsel for the parties. A perusal of the impugned order shows that it is as cryptic as it could be. It is common case of the parties

that the petitioners have deposited a sum of Rs. 1,27,312/- in all which amount, according to the respondent-Bank, has been reflected in the

statement of accounts. Counsel for the respondent-Bank states that a sum of Rs. 53,672/- is still due from the judgment- debtor as on

11.11.1996.

3. The grievance of the learned counsel for the petitioners is that the amounts paid by the judgment-debtors have not been taken note of by the

execution Court and a warrant of attachment has been issued without specifying/determining the amount actually payable by the judgment-debtors.

The grievance seems to be justified. The impugned order is a non-speaking one and it does not disclose as to how much amount is due to the

respondent-Bank from the judgment-debtors. The executing Court has also not taken note of the accounts paid by the judgment-debtors.

4. Without going into the merits of the claims made by either of the parties, I set aside the impugned order dated 16.6.1997 and remit the case to

Sub Divisional Officer (Civil), Sirsa, for deciding the execution application afresh in accordance with law expeditiously by passing a detailed

speaking order but not later than six months from the receipt of a copy of this order. It will be open to the judgment-debtors to raise all objections

that are available to them under the law and executing Court shall take note of all those objections and decide the same in accordance with law.

5. The revision petition stands allowed as above.