



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ESA No.4377 of 2005 (O&M)

Date of Order:05.05.2025

Radha Kishan

.Appellant

Versus

Punjab National Bank and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajit Sihag, Advocate,
Mr. Amit Mann, Advocate
for the appellant.

Mr. C.S.Pasricha, Advocate
for respondent no.1-PNB

ANIL KSHETARPAL, JUDGE (Oral)

1. Raj Kumar, defendant no.1, defaulted in re-payment of the loan borrowed from Punjab National Bank. While borrowing the loan in the year 1980, he mortgaged his 700 Square Yards plot against the loan. Badri, defendant no.2 stood as a guarantor. The bank's suit for recovery was decreed on 07.06.1989. The execution petition filed by the bank is pending. Radha Kishan filed the objections that Badri suffered a decree with respect to 10 kanals land in his favour in the year 1979 which has been dismissed by both the courts below on the ground that the civil court judgment and decree passed in the year 1979, is not entered in the revenue record.

2. The learned counsel representing the appellant contends that, the guarantor continues to be owner of 19 kanals and 18 marlas land and decree is only for recovery of the amount.

3. The learned counsel representing the respondent-bank submits



that the decree has not been entered in the revenue record. He further submits that the loan was taken prior in time by mortgaging the property, whereas the decree is subsequent.

4. This court has considered the submissions and analyzed the arguments of the learned counsel representing the parties.

5. The failure to get the effect of decree entered in the revenue record would not effect the judgment and decree passed by the competent court. The consent decree suffered on the basis of family settlement does not require registration.

6. With regard to the second argument, it is factually incorrect. The judgment and decree was passed in favour of Radha Kishan on 20.11.1979, whereas the loan was taken on 28.03.1980.

7. Keeping in view the aforesaid facts, the impugned orders passed by the courts below are set aside, while directing the Executing Court to decide the matter afresh, uninfluenced by the observations made by this Court.

8. The appeal is allowed.

9. The parties through their learned counsel are directed to appear before the Executing Court on 29.05.2025.

10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

May 05, 2025

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Whether speaking/reasoned : **Yes/No**

Whether reportable : **Yes/No**