



CR-6518-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(276)

CR-6518-2023 (O&M)

Date of decision: - 06.08.2025

Satpal Singh

....Petitioner

Versus

Shamsher Singh Mor and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Arihant Jain, Advocate, for the petitioner.

Mr. S.S. Mor, respondent No.1 in person.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 04.10.2023 passed by the Additional Civil Judge (Senior Division), Chandigarh (Annexure P-5) vide which the Executing Court ordered to send the petitioner to civil imprisonment for two months w.e.f. 06.11.2023.

2. On 03.11.2023, the Co-ordinate Bench of this Court was pleased to pass the following order: -

*“Present: Mr. Arun Jindal, Advocate
for the petitioner.*

After arguing for some time, learned counsel for the petitioner submits that petitioner has already filed an appeal along with an application for condonation of delay which is pending for the last more than 4 years but without complying with the provisions of



attachment of property and selling the same, the Court has ordered to deposit the decretal amount otherwise to send the petitioner to civil imprisonment for two months. He further submits that petitioner is ready to deposit the principal amount of Rs.15 lacs by way of FDR with the Executing Court.

Notice of motion for 25.01.2024.

Let, amount of Rs.15 lacs be deposited in the Executing Court within 15 days which shall be kept in FDR in some nationalized bank for a period of six months with automatic renewal, till further orders. On doing so, the imprisonment awarded to the petitioner is hereby stayed till the next date of hearing only.

In case of any default, this order shall automatically stand vacated.

03.11.2023”

3. Respondent No.1 appearing in person has submitted that in the present case, the suit for specific performance filed by respondent No.1 along with M/s Dashmesh Investors and Builders, was partly decreed and recovery of Rs.15,00,000/- along with interest @ 9% per annum from the date of payment till realization was ordered. It is submitted that although the first appeal filed by the petitioner had been dismissed but the Regular Second Appeal filed by him is pending before this Court and has further stated that there is no stay in favour of the present petitioner in the said proceedings. It is submitted that in the said circumstances, since respondent No.1 is pursuing the case since 2013, it would be in the interest of justice that the amount, which had been ordered to be deposited in the executing Court and was ordered to be kept in FDR, be released in favour of the respondents/plaintiffs.

4. Learned counsel for the petitioner in rebuttal has submitted



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that respondent No.1 be directed to furnish surety as in case the Regular Second Appeal filed by the present petitioner is allowed, then, the respondents would be liable to return the said amount to the petitioner.

5. Respondent No.1 appearing in person has no objection to the said course of action.

6. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of the petitioner as well as on behalf of contesting respondent No.1, the present revision petition is disposed of with the following directions/observations:-

- (i) The amount which had been deposited by the petitioner, in pursuance of the order dated 03.11.2023, with the Executing Court and ordered to be kept in FDR, be released to the respondents/plaintiffs along within accrued interest thereon.
- (ii) The same would be done subject to the respondents/plaintiffs furnishing surety for the said amount to the satisfaction of the Executing Court.
- (iii) In case the present petitioner succeeds in the Regular Second Appeal filed before this Court, then, the respondents/plaintiffs would be liable to return the said amount.
- (iv) The order dated 04.10.2023, to the extent that the petitioner shall be sent to the civil imprisonment, is set aside.

August 06, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No