

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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2025:PHHC:031835



**ESA-21-2018 (O&M)
Date of decision: 06.03.2025**

RAM KISHORE & ORS

..Appellants

Versus

BHARAT KOSH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.P.S. Rehan, Advocate
for Mr. M.S. Viridi, Advocate
for the appellants.

Mr. C.M. Munjal, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. This execution second appeal has been filed against the concurrent orders passed by the Executing Court, which in appeal has been affirmed by the First Appellate Court while dismissing appellants objection petition.

2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.

3. Sh. Bharat Kosh (respondent No.1) filed suit for recovery against Sh. Sahib Ram of Rs.9,39,000/-. During its pendency, the parties settled at Rs.5,40,170/-. During the pendency of the suit, Sh. Banwari Lal, father of Sh. Sahib Ram appeared along with his son. They entered into a compromise with the plaintiff Sh. Bharat Kosh. Sh. Banwari Lal suffered a statement in the Court that he will pay the amount in case Sh. Sahib Ram commits default in repayment. Ultimately, award was passed by the Lok Adalat, ordering recovery of Rs.5,40,170/-, recoverable in four half yearly equal installments. Subsequently, Sh. Sahib Ram committed default. Hence,



the property of belongs to late Sh. Banwari Lal was attached in the execution petition. The children of Sh. Banwari Lal namely the appellants filed objections claiming that the award passed by the Lok Adalat is only against Sh. Sahib Ram and not against Sh. Banwari Lal.

4. Learned counsel for the appellants contend that Executing Court is to implement the decree it cannot go behind the decree. He submits that there is no award against Sh. Banwari Lal.

5. This Court has considered the submissions of learned counsel for the parties.

6. The award by the Lok Adalat was passed only because the parties have entered into a settlement. The appellants counsel does not dispute that Sh. Banwari Lal was party to the aforesaid settlement and he gave undertaking to pay the amount if Sh. Sahib Ram commits default in repayment of the amount which can be recovered from his property.

7. In such circumstances, the Executing Court is not expected to overlook the statement of Sh. Banwari Lal while executing the decree.

8. Hence, dismissed.

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

March 06th, 2025

Ayub

**(ANIL KSHETARPAL)
JUDGE**

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