

284            The Chandigarh State Cooperative Bank Ltd. Vs. Anthony etc.

Present:      Sh. J.C. Kapoor, counsel for DH.

Execution application presented today. It be checked and registered. Ld. Counsel for DH has appeared and submitted that there is no requirement to sent notice to the JD as two years has not passed since passing of Award. Ld. Counsel for DH placed reliance on Om Parkash Malik Vs. Pawan Kumar Malik, RSA No. 146 of 2018 & CM No. 41229 of 2018 passed by Hon'ble Delhi High Court.

Perusal of documents goes to shows that Award was passed on 13.01.2012. It is clear that two years has not lapsed since passing of Award. Therefore, as per Order 21 Rule 11 of CPC no notice is required to be sent to the JD.

Perusal of case file shows that as per Award, JDs are jointly and severally liable. Perusal of Award as well as documents on record further reveals that JDs are Government Employees. Therefore, in order to execute the Award, let warrant of attachment of salary of JDs be issued for the next date of hearing. Notice be sent to the DDO concerned of the JDs whereby he is directed to make the attachment of salary of JDs as per provision contained under Section 60 of CPC. The DDO concerned is directed to attach 1/3rd of salary after deducting Rs. 1000/- from the salary as provided under Section 60 of CPC. The DDO is directed to submit his report regarding attachment of salary of JDs on the next date of hearing. Ahlmad is directed to issue the warrant of attachment of salary of JDs accordingly for 17.02.2022.

Dated:- 16.11.2021

Sandeep

(Sanjay)

CJ(JD)/CHD

UID No. HR0391