

Dharam Pal Chauhan versus Ram Singh

CMPMO No. 681 of 2024

29.11.2024 Present: Petitioner in person with Mr. Ravinder Singh Chandel, Advocate.

Issue notice to Sole Respondent-Ram Singh, returnable for 24.12.2024, on taking steps by dasti means as well as ordinary course within two days.

2. Upon listing of case today, the petitioner [Dharam Pal Chauhan], being the Judgment Debtor is present in person.

3. Learned Counsel for petitioner states that he intends to assail the judgment and decree dated 14.07.2015 passed in Civil Suit No. 431 of 2012, titled as Ram Singh versus Dharam Pal Chauhan, passed by Learned Additional District Judge-II, (North) Rohini Courts, Delhi, on available grounds. He further submits that petitioner came to know of the initiation- pendency of Execution Proceedings No. 94 of 2016, only in 2022, wherein, order for proclamation has been issued by Learned Executing Court i.e. Learned Senior Civil Judge Theog, Shimla on 02.09.2024 and Sale has been scheduled for 5.11.2024, which could not materialize. It is submitted that a fresh order has been passed on 27.11.2024 [Taken on Record] by the

Learned Executing Court directing completion of proclamation before 5.3.2025 and Sale has been scheduled for 8.5.2025.

4. This Court is of the considered view that once the decree dated 14.07.2015 passed by a Competent Court remains in force therefore the petitioner cannot escape his liability under the Judgment/Decree which is enforceable in accordance with law.

5. Faced with this situation, Learned Counsel for the Decree Holder [Dharam Pal Chauhan], who is present in person, undertakes to deposit a sum of Rs.3,00,000/- [Rs. Three Lakh Only], at this stage. Statement of petitioner-judgment debtor [Dharam Pal Chauhan] recorded separately today; shall, constitute an undertaking and shall form part of case records relation to pending Execution Proceedings and Instant Proceedings.

6. Based on the statement recorded herein, the petitioner is directed to remit/deposit an amount of Rs.3,00,000/- [Rupees Three Lakh], before Learned Executing Court i.e. Court of Senior Civil Judge Theog, District Shimla on or before 22.12.2024.

Accordingly, further proceedings pending before Executing Court i.e. Court of Learned Senior Civil Judge Theog, in *Case No. 43 of 2019, titled Ram Singh versus Dharam Pal Chauhan*, shall remain stayed, till the next date of hearing.

7. Registry to furnish copy of this order to Learned Executing Court i.e. Court of Senior Civil Judge Theog, District Shimla with directions to furnish a report, to this Court, in case any amount is deposited in terms of the Statement-Undertaking furnished by petitioner-Judgment Debtor before this Court, in terms of this order.

List the matter on **24th December, 2024.**

(Ranjan Sharma)
Judge

November 29, 2024
(himani)