



HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CR No. 18/2022
CM No. 3012/2022
Caveat No. 682/2022

Chief Secretary & Ors.

...Appellant/Petitioner(s)

Through: Mr. M.A.Chashoo, AAG.

Vs.

M/S Trust House Constructions Engineers & Builders

...Respondent(s)

Through: Mr. M.A.Makhdoomi, Advocate.

CORAM: HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE

ORDER

1. Petitioners aggrieved of the order dated 16.04.2020 passed by the court of learned Principal District Judge Srinagar in Ex. Case No.26/2022 titled M/S Trust House Constructions Engineers & Builders Vs. Chief Secretary & Ors., have preferred this Civil Revision under **Section 115 of Civil Procedure Code**, alleging that the court below has been executing the Award passed in Arbitration, and that in terms of the impugned order has attached the Account No. 0005010100007103 of the judgment debtor No.3 with further direction to the judgment debtor No.3 to deposit the decretal amount along-with interest amounting to Rs.80,16,430/-. Further plea of the petitioners is that the court below has committed error in calculating the amount as the same seems to have been calculated @ 10%, whereas this rate of interest has been slashed down to 6% by this Court vide judgment dated 04.12.2021 passed in AA No. 2/2021,



and that the impugned order has been passed at the back of the petitioners herein in an arbitrary manner.

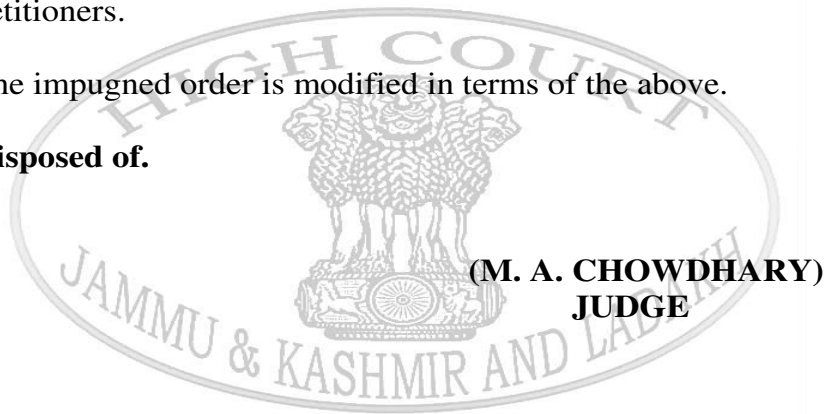
2. Learned counsel for the petitioners submitted that the SLP has also been filed by the petitioners before the Apex Court which is likely to be listed after the vacations are over. The application has also been moved seeking ad-interim relief pending disposal the Revision Petition.
3. Mr. M.A.Makhdoomi, learned Advocate, appeared on behalf of the respondent, who has also filed the caveat in the case.
4. Caveat is discharged.
5. Mr. Makhdoomi, opposes the plea of the petitioners on the ground that after passing of the impugned order, another order has been passed by the court below on 11.06.2022, whereby the J&K Bank Branch Residency Road Srinagar, has been directed to transfer the amount of Rs.80,16,430/- from the freezed account of the judgment debtor No.3 to the official Account CD-51 of the District Court Srinagar, towards the satisfaction of the decree and thereafter to release the freezed Account to the judgment debtor No.3.
6. It appears that the order impugned in this Civil Revision has been passed in absence of the petitioners herein. The contention of learned counsel for the petitioners that the amount sought to be transferred to the official Account of the District Court, has not been properly calculated by the court below and in a harsh manner the Account of the judgment debtor No.3 has been freezed.
7. In the considered opinion of this Court, no purpose shall be served to keep this petition on Board which can be and, is, disposed of at this stage with a direction to the court below to hear the petitioners



herein afresh on the matter of calculation of the amount due to the respondent-awardee in view of the judgment dated 04.12.2021 of this Court passed in AA No. 2/2021, and till this calculation is worked out, the Account of the judgment debtor No.3 is ordered to be released. However, in case the amount is not paid by the petitioners after its calculation, the court below shall be at liberty to adopt coercive measures for recovery of the amount from the petitioners.

8. The impugned order is modified in terms of the above.

9. **Disposed of.**



Srinagar
14.06.2022
Muzammil. Q