

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

CR No. 1047 of 2015 (O&M)

Date of decision: March 10, 2015

Tara Singh

...Petitioner

Versus

Thamman Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Saurabh Kaushik, Advocate,
for the petitioner.

Mr. Mahesh Dheer, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. There is no scope for intervention in the case where a judgment-debtor, who has suffered a decree, comes up with a plea regarding executability of the decree by reference to the provisions of some enactment that relieves him of such a liability. If there is any law which comes in the way of the decree being passed and the defence is not taken, the petitioner will be barred by principle of res-judicata from taking of a plea that the decree is not executable. I, therefore, reject the plea regarding executability of the decree. The learned counsel also argues that the court order attaching the entire property which is 16 bighas suffers from the vice of excessive attachment. According to him, the property is worth about crores of rupees.

suppressed the fact that at a hearing before the executing court, the petitioner stated that only 5 bighas land could be sold and the court has also recorded the statement of the petitioner and has directed that only 5 bighas of the property will be sold. The executing court will identify the 5 bighas as separate lot and direct the same to be sold for effective implementation of the decree.

3. With these observations, the revision petition is disposed of.

March 10, 2015
prem

(K.KANNAN)
JUDGE