

111

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

CR No.2219 of 2015

Date of decision: March 31, 2015

Nihal Singh (deceased) through his LRs

.....Petitioners

Versus

Ramesh Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Aseem Kataria, Advocate
for the petitioner.

SABINA, J

Petitioners have filed this petition challenging the orders dated 13.03.2013, 05.08.2013, 13.09.2013 and 18.02.2015.

I have heard learned counsel for the petitioners and have gone through the record available on the file carefully.

Respondent had filed suit for recovery of ₹1,85,000/- alongwith interest, against Nihal Singh. The said suit was decreed vide judgment/order dated 16.10.2008. Thereafter, the decree-holder filed execution petition. The judgment-debtor filed objection petition pleading that the execution petition was not maintainable. The objections filed by the judgment-debtor were dismissed vide order dated 13.03.2013. The learned executing Court rightly held that the decree dated 16.10.2008 had become final. Therefore,

decree-holder was entitled to get the same executed as the judgment-debtor had failed to pay the amount in question to the decree-holder as per the judgment/decree dated 16.10.2008. Since the objections petition filed by the judgment-debtor were dismissed, warrant of attachment of the property of the judgment-debtor was issued vide order dated 05.08.2013 and the subsequent orders under challenge. Thus, although, objections filed by the judgment-debtor were dismissed way back on 13.03.2013 vide Annexure P-3, yet the judgment-debtor had failed to satisfy the decree till date. In these circumstances, since the judgment-debtor had failed to satisfy the decree, the executing Court was left with no other option but to attach the property belonging to the judgment-debtor.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

March 31, 2015

m.singh