

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

CR No. 2740 of 2015 (O&M)

Date of decision: 24.04.2015

Narmail Singh

... Petitioner

versus

Raj Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Deepak Sharma, Advocate for the petitioner.

K.Kannan, J.

The objection at the stage of execution by the petitioner-3rd party was to the effect that the decree was bad and it had been brought about by collusion. There is a statutory bar under order 21 Rule 102 CPC to seek adjudication regarding the right to the property claimed by a person under the transaction during the pendency of such a suit. The appropriate remedy will be by means of a suit for a declaration that the decree obtained is fraudulent and collusive and if such a suit was to be filed, the dismissal of the application at the stage of execution cannot be set up against the petitioner.

I will find no reason for interference with the Court's order only because of the statutory bar but I have hastened to protect the petitioner's right to the extent indicated above.

With these observations, civil revision petition is dismissed.

24.04.2015

kv

(K.KANNAN)

JUDGE