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

CR No.3052 of 2015

Date of decision: May 06, 2015

Tarlochan Singh

.....Petitioner

Versus

Central Bank of India and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vinod Khunger, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 30.07.2014.

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

Respondent no.1 had filed suit for recovery against the petitioner and respondent No.2. The suit was decreed by the trial Court vide judgment/decreed dated 10.10.1994. Navbir Singh filed objections during the execution proceedings and the objections filed by Navbir Singh were dismissed vide order dated 03.11.2011. Navbir Singh challenged the order dated 03.11.2011 by filing Civil Revision No.2627 of 2011 in this Court. This Court vide order dated 20.08.2013, while disposing of the said revision petition, observed as under:-

“This Court is of the prima facie view that the share of Tarlochan Singh, Judgment Debtor can be sold for satisfaction of the Decree Holder. Since, the land is a joint land only share should be sold and not specific khasra number as it is settled proposition of law that the joint land shall be sold only by way of share not by specific khasra numbers. However, if the Executing Court

finds that he was in actual exclusive possession of certain khasra number, the same will be sold to the extent of share of Judgment Debtor so that the possession can be handed over to the Auction Purchaser. Even the said land will be subject to partition. The petitioner will be at liberty to give the specific khasra number in possession of Tarlochan Singh so as to avoid complication with regard to handing over the possession to the Auction Purchaser.

In these circumstances, the present revision petition is disposed of and the impugned order is set aside to that extent.”

In pursuance to the said order, the trial Court has passed the impugned order dated 30.07.2014, which reads as under:-

“None has appeared on behalf of respondent/J.D. Tarlochan Singh despite being called the case several times today. It is already 3.45 P.M. Under these circumstances, Tarlochan Singh respondent/J.D. Is proceeded against exparte.

In compliance of the order of the Hon'ble High Court, Punjab & Haryana, Chandigarh dated 20.08.2013 passed in Civil Revision No.2627 of 2011 (O&M) filed by petitioner Navbir Singh and as per the directions of this court vide order dated 21.7.2014, petitioner Navbir Singh has placed on record the copy of khasra girdawari for the year 2013-2014 showing the specific khasra numbers possessed by J.D. Tarlochan Singh. As per abovesaid khasra girdawari, J.D. Tarlochan Singh is in possession of agriculture land comprised of Rect. No.11, killa No.25/3(0-3), 13M/4(2-6), 5(8-0), 6(8-0), 7(4-18), 14(7-14), 15(8-0), 16(8-0), 17(8-0), 24(8-0), 25(8-0), 14M//1(8-0), 2(8-0), 3(8-0), 4/1(6-2), 8(7-8), 9(8-0), 10(8-0), 11(8-0), 12(8-14) Rect. No.26, Killa No.3(2(6-0), 4(8-0), 36M//20/1(5-6), 20/2(1-14), 37M//16(7-18), 17(8-0), 18(8-0), 19(8-0), 20(8-0), 21(8-0), 22(8-0), 23(8-0), 42m//1

(5-16), 2(5-0) and 3(4-0) situated in the area of village Peer Ashmile Khan, Tehsil and District Ferozepur. So, keeping in view the order dated 20.8.2013 of the Hon'ble High Court, since the petitioner/applicant has furnished the latest khasra girdawari for the year 2013-2014 showing the possession of J.D. Tarlochan Singh over specific khasra numbers, let warrant of attachment of said land land comprised of Rect. No.11, killa No.25/3(0-3), 13M/4(2-6), 5(8-0), 6(8-0), 7(4-18), 14(7-14), 15(8-0), 16(8-0), 17(8-0), 24(8-0), 25(8-0), 14M//1(8-0), 2(8-0), 3(8-0), 4/1(6-2), 8(7-8), 9(8-0), 10(8-0), 11(8-0), 12(8-14) Rect. No.26, Killa No.3(2(6-0), 4(8-0), 36M//20/1(5-6), 20/2(1-14), 37M//16(7-18), 17(8-0), 18(8-0), 19(8-0), 21(8-0), 22(8-0), 23(8-0), 42m//1(5-16), 2(5-0) and 3(4-0), except land killa No.13//16(8-0) as rapat No.80 dated 4.10.2013, the said land has been incorporated in the revenue record on filing of warrants fee for 18.9.2014.”

Vide the impugned order, the trial Court has issued warrant of attachment qua the specific khasra numbers, which are in possession of the petitioner. A perusal of the impugned order reveals that the petitioner had even not bothered to pursue execution proceedings.

Hence, no ground for interference by this Court, is made out.

Dismissed.

However, it is clarified that the land be put to auction to the extent of the share of the judgment-debtor, which is sufficient to satisfy the decree.

**(SABINA)
JUDGE**

May 06, 2015
m.singh