

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

CR No. 3381 of 2015 (O&M)

Date of decision: 18.05.2015

Avtar Singh

... Petitioner

versus

Jeeto Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajwant Singh Chahal, Advocate for the petitioner.

K.Kannan, J.

The petitioner is a 3rd party who has a grievance that his property has been attached. Proper procedure has not been adopted by the petitioner before the Courts below that resulted in the impugned order. If the petitioner was himself not a judgment debtor and his separate property was brought proceeded against, the remedy ought to have been to apply under Order 21 Rule 58 CPC claiming for raising the attachment setting out a plea that he is a 3rd party and the liability imposed under the award by the MACT cannot be enforced against him. If he was a purchaser of the motor vehicle which is involved in the accident, the right of enforcement will still be available only against the vehicle that was purchased and not against any separate property of such a purchaser. I would find no purpose served by ordering notice in the civil revision against the order allowing for further process in execution when the petitioner himself is in lapse in not adopting the procedure that is possible.

The civil revision is disposed of, giving liberty to the petitioner of applying to the Executing Court petition for raising attachment in accordance with law. If such an application is filed, the Court will consider the same and render the adjudication in the manner contemplated by law.

18.05.2015

kv

**(K.KANNAN)
JUDGE**