

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

**CR No. 6275 of 2005 (O&M)
Date of decision: 29.07.2015**

Santosh Rani

... Petitioner

versus

M/s Devi Dayal Raj Kumar through proprietor Raj Kumar and
another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Aakash Singla, Advocate, for the petitioner.

Mr. Tushar Sharma , Advocate for the respondents.

K.Kannan, J.

There is simply no merit in the revision petition filed against the order allowing for a rateable distribution. The principle of rateable distribution is governed through Section 73 C.P.C. Section 73 C.P.C reads as follows:

“Proceeds of execution-sale to be rateably distributed among decree-holders-(1) Where assets are held by a Court and more persons than one have, before the receipt of such assets, made application to the Court for the execution of decrees for the payment of money passed against the same judgment debtor and have not obtained satisfaction thereof, the assets, after deducting

the costs of realization, shall be rateably distributed among all such persons.

The rateable distribution will be available to persons who had pending claims at the time when the proceeds were realized and kept in court.

The facts in this case would show that the sale of property of judgment debtor was made on 14.12.1999 when 25% of the auction price had been paid and the balance of sale consideration was deposited on 21.12.1999. The petitioner had obtained a decree against the same judgment debtor and has caused an attachment of the principal amount on 28.05.2005 and has sought for the attachment of the interest on 29.3.10.2005. The person who has sought for rateable distribution is a person who has held a decree obtained against the same judgment debtor on 13.01.1999 and he staked his claim for rateable distribution for the amount on the basis of an execution petition filed on 15.12.1999. This application by yet another person was, therefore, brought before the amount was fully realized on 21.12.1991. Such a person was surely entitled to rateable distribution. That is how the Court below has considered the case.

There is no scope for intervention. The civil revision petition is dismissed.

I am informed that the rateable distribution has already been effected by the Court below and it would require no intervention.

(K.KANNAN)
JUDGE

29.07.2015
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