

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 659 of 2015

DATE OF DECISION : September 03, 2015

Darshan Kaur

..... PETITIONER(S)

VERSUS

Ashok Kumar and ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Satbir Gill, Advocate, for the petitioner.
Mr. Sandeep Punchhi, Advocate, for respondents No.1 to 3.

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1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

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ARUN PALLI, J. (Oral)

Vide order being assailed, dated 19.11.2014 (Annexure P-8), rendered by Civil Judge (Junior Division), Sirsa, objections preferred by the petitioner have been dismissed and warrant of auction has since been issued. The conclusions arrived at by the executing court read, as thus:-

“Vide order dated 30.7.2012 the court of Smt. Seema Singhal, learned Civil Judge (Sr. Divn.), Sirsa has decided the objections regarding sale of the land and has held that *'he transaction was done after filing of the execution petition and the present objections and the sale of the land of JD vide sale deed dated 7.5.2010 after filing the objections emphatically shows that transaction was done just to avoid execution of decree and hence the objections being false are not maintainable.'* Moreover, this court is of the opinion that the sale has been made only to defraud the DH. The conduct of the JD has to be viewed seriously that despite the clear order of the court dated 30.7.2012, she has not executed the decree even after the lapse of two years. Accordingly, the objections of JD and application/objector are not maintainable. Accordingly, this court hereby orders that warrant of auction be issued against the JD and applicant. The revenue officials are directed to comply with the order passed by the court otherwise their salary shall be attached.”

I have heard learned counsel for the parties and perused the paper book.

Concededly, a decree for a sum of ₹ 3 lacs, dated 17.02.2009, was passed in favour of the respondents/decreed holders and against Shakuntla Devi daughter of Bhawani Dass, and the same has since become final. In the execution petition filed by the respondents (decree holders), they prayed for attachment of a land measuring 6 kanals 4 marlas, owned by the Judgment Debtor, to realise the decretal amount. However, Shakuntla Devi (Judgment Debtor), vide sale deed dated 07.05.2010, sold a land measuring 57 kanals to the

petitioner-Objector, including a land measuring 6 kanals 4 marlas. Ex-facie, the transfer in favour of the petitioner-Objector post decree dated 17.02.2009 would not frustrate the rights and interest of the decree holders. In fact, alienation of her property by the Judgment Debtor was subject to the realisation of the decretal amount.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by the executing court is either contrary to the position on record or suffers from any material illegality.

That being so, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. Petition being devoid of merit is, accordingly, dismissed in limine.

SEPTEMBER 03, 2015
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(ARUN PALLI)
JUDGE