

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR No. 6680 of 2015

Date of decision : October 08, 2015

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Mukhtiar Singh

.....Petitioner

Versus

Jaswant Singh

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Surinder Singh Duhan, Advocate for the petitioner.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

Present revision petition has been filed by the petitioner for setting aside the order dated 5.8.2015 (Annexure P-4) passed by the Additional Civil Judge (Sr. Division) Dhuri vide which the application/objection filed by Sarabjit Singh was dismissed.

In the objections moved by Sarabjit Singh it was averred that the decree holder has mis-stated and mislead the Court in the execution petition regarding the mode of executing the decree passed in his favour by attaching and sale of properties mentioned which are not liable to be attached in order to realize the decretal amount. The objector had purchased cattle in the form of cow and

buffaloes from one Lal Chand son of Niranjan Singh resident of Laharaun, Nabha. In 2009, he entrusted the said animals to judgment debtor Mukhtiar Singh so that he can take proper care of the animals and he had paid some amount to judgment debtor Mukhtiar Singh for taking care of animals. In the year 2013, he took back all the animals except a buffalo and a cow from the judgment debtor. The decree holder or the judgment debtor had no concern with the said cow and a buffalo and in fact those belonged to Objector Sarabjit Singh. Therefore the said animals could not be sold to recover the decretal amount.

On notice, the decree holder filed reply in which all the averments made in the objections were denied. It was contended that the objections had been filed by the objector at the behest of judgment debtor Mukhtiar Singh. Earlier Sohanpreet Singh son of the judgment debtor also moved the objections on the similar grounds which were dismissed by the Court and now the objector has filed the same objections just to delay the execution proceedings. The objector had nothing to do with the attached property of the judgment debtor and the same had been got attached from possession of the judgment debtor.

The executing Court dismissed the objections of Sarabjit Singh by observing that no document was produced by the objector to show that he had purchased the said animals from one Lal Chand and no explanation was given that why the animals were kept with the judgment debtor for so many years. Moreover in the absence of

any evidence that the objector was seriously ill which led him to entrust the animals to judgment debtor, the objections have been rightly dismissed by the Executing Court.

After going through the case, I find that there is no illegality or infirmity in the order passed by the Executing Court and therefore does not require interference of this Court. The impugned order is based on correct appreciation of facts. In view of this, the present revision petition is dismissed.

October 08, 2015
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(**RITU BAHRI**)
JUDGE