

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

(219)

**ESA No.12 of 2014 (O&M)
Decided on: May 1, 2015.**

Vineet Kaushal

.... Petitioner

Versus

Deepak Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. D.S. Malwai, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

Delay of 403 days in filing the appeal is condoned.

Heard on merits.

In a suit, filed by Vineet Kaushal plaintiff-respondent against Balwant Kaur, a money decree was passed in favour of the plaintiff. In an attempt to execute the money decree by sale of the property of Balwant Kaur, the objectors Deepak Kumar and Makhan Lal resisted the attachment claiming that they are bona fide purchasers of the property without any information regarding pendency of the suit for recovery filed against Balwant Kaur. The Executing Court as well as the Appellate Court have allowed the objections holding that the objectors were bona fide purchasers and no injunction was granted against the defendant-judgment debtor restraining her to alienate the property.

I have heard learned counsel for the petitioner and gone through the record.

Learned counsel for the petitioner has not been able to satisfy this Court about the connection of the property belonging to the objectors with the litigation for recovery of money as the property was not subject of any interim restraint order. The decree-holder could have recovered the amount by adopting other means of execution of the money decree. This is the concurrent finding by the Courts below that objectors are bona fide purchasers.

No ground is made out to interfere in the orders passed by the Courts below.

The revision petition is dismissed without prejudice to the right of the petitioner to execute the decree by other modes under the law.

(M.M.S. BEDI)
JUDGE

May 1, 2015
harsha