

239

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1781-2015

Date of decision : 14.07.2016

Surjit Singh

... Petitioner

Versus

Uggar Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.K. Jain, Advocate
for the petitioner.

Mr. Jagraj Singh Khiva, Advocate
for the respondent.

1. Whether reporters of local papers 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?

AMIT RAWAL, J. (ORAL)

The petitioner-decree holder is aggrieved of the impugned order dated 19.11.2014 whereby, the application of the petitioner-decree holder seeking attachment of the property of Jagtar Singh has been dismissed.

Mr. S.K. Jain, learned counsel appearing on behalf of the petitioner-decree holder submits that the judgment and decree dated 17.01.2008 for recovery of ₹ 3,08,000/- along with interest @ 6% was passed against the judgment debtor-Uggar Singh. He submits that Uggar Singh was the owner of the property, which was sought to be attached, but when the appeal was dismissed, during the interregnum, he transferred the

same to his son Jagtar Singh vide transfer deed dated 21.06.2010 and thus, urges this Court for revival of the application by setting aside the impugned order, under challenge.

Mr. J.S. Khiva, learned counsel appearing on behalf of the respondent submits that Uggar Singh is alive and the decree holder can proceed against the judgment debtor in accordance with law. No evidence has come on record whether the property had been transferred in favour of Jagtar Singh by Uggar Singh except reference to the transfer deed. Even the copy of the transfer deed is not the part and parcel of the record of the Court below.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the judgment and decree is against the Uggar Singh. The petitioner-decree holder shall be at liberty to seek the execution of the same against movable/immovable assets of the Uggar Singh, much less, by taking the aid of provisions of Order 21 Rule 37 CPC, but cannot seek the attachment of the property of any other person than the judgment-debtor. The petitioner is granted liberty to peruse the execution application in accordance with law.

With the aforesaid observations, the revision petition stands disposed of.

14.07.2016
yogesh

(AMIT RAWAL)
JUDGE