

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

CR No.2047 of 2011 (O&M)  
Date of decision : 11.02.2016

Hind Samachar Ltd.

...Petitioner

Versus

Dutt Puri Maharaj and ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ? YES
3. Whether the judgment should be reported in the Digest ?

Present: Mr. N.C. Sahni, Advocate for the petitioner.

Mr. A.S. Gill, Advocate for the respondents.

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**AMIT RAWAL, J. (Oral)**

The petitioner-Hind Samachar and Dainik Punjab Kesari is aggrieved of the impugned order dated 22.02.2011 (Annexure P-5) vide which the warrant of attachment of the property of the company in execution of the judgment and decree dated 23.06.2003 (Annexure P-1), has been sought to be executed.

Mr. Sahni, learned counsel appearing on behalf of petitioner has drawn the attention of this Court to the memo of parties of the suit which has resulted into decreeing of the same. Same reads thus:-

*“Shri Dutt Puri Maharaj, follower of Lakhia Baba, Village and Pargana Ghyalat, Tehsil Arki, District Solan (H.P.)*

*...Plaintiff*

*Versus*

*1. Lakhia Baba r/o Village and Pargana Dhundhan, Tehsil Arki, District Solan (H.P.).*

*2. Shri Narender Kumar, Press Reporter R/o Kharaiwan (Arki), Pargana Deera, Tehsil Arki District Solan (H.P.)*

*3. The Editor, Newspaper, The Danik Punjab Kesari Jalandhar, Punjab.*

*4. Krishan Singh s/o Sh. Hari Singh r/o Village Bated, Pargana Saryanj, Tehsil Arki, Distt. Solan (H.P.)*

*5. The Publisher, Newspaper, The Danik Punjab Kesari Jalandhar, Punjab.*

*6. Babu Ram son of Sh. Deep Ram r/o Village Nawan, Pargana Saryanj, Tehsil Arki, District Solan (H.P.)*

*...Defendants”*

He submits that company has not been arrayed being juristic person, only editor or publisher have been arrayed as the defendant Nos. 3 and 5 as is evident from memo of parties. The Decree Holder under the guise of aforementioned decree is seeking attachment of the property of the company which is not permissible in law. He has drawn the attention of this Court to the provision of Order 1 Rule 3 of the Code of Civil Procedure.

Mr. Gill, learned counsel appearing on behalf of Decree Holder submits that it is an ex parte decree which has attained finality. The company is not the party and, therefore, revision petition against the order of Executing Court at the instance of the company is not maintainable. The trial Court is proceeded while executing the decree. Even the order dated

12.03.2010 was passed seeking attachment of the property of editor and publisher. Operative part of the same reads thus:-

*“Let fresh warrants of attachment of property of Editor and Publisher along with other JDs be issued for 17.05.2010, subject to filing of list of property of JDs within the period of ten days.”*

and thus prays for dismissal of the revision petition.

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

The Hind Samachar and Punjab Kesari have not been impleaded as juristic person only editor and publisher has been arrayed. They have not been properly arrayed as per the provision of Code of Civil Procedure, ibid, however, vide order dated 12.03.2010 sought attachment of the property of a editor and publisher, Decree holder cannot volteface by seeking attachment of the property of the company as the company has not been sued nor is the defendant-judgment debtor. The Decree Holder shall be at liberty to seek the execution of judgment and decree against the defendant No.2 and not against company and cannot seek the attachment of the property of the company.

With the aforementioned observation and modification, impugned order dated 22.02.2011 (Annexure P-5) is set aside.

Revision petition stands allowed.

**11.02.2016**

*pawan*

**(AMIT RAWAL)  
JUDGE**