

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

-.-

CR 1871 of 2016
Date of decision: 14.03.2016

Shashi Bala

..... Petitioner

Versus

Indus Ind Bank Limited and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Gorakh Nath, Advocate
for the petitioner

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J. (Oral)

The present petition has been directed against the order dated 20.02.2016 passed by the Additional District Judge, Chandigarh whereby an application filed by the petitioner under Section 60 (1) (a) of the Code of Civil Procedure (in short, 'CPC') against attachment and sale of articles of the wife and children of the judgment debtor, has been dismissed.

Counsel for the petitioner contents that the petitioner has got no objection if motor-cycle Make TVS No. PB 65-H-6360 belonging to Shri Suresh Kumar, husband of the petitioner is put to auction for realization of the decretal amount. However, the articles mentioned at serial No. (ii) to (vi) in para 2 of the petition are not liable to be attached and sold in execution of a decree passed against Shri Suresh Kumar, husband of the

petitioner as these articles belong to the petitioner and mobile phone at serial No. (vi) belongs to son of the petitioner.

I have heard counsel for the petitioner and perused the records.

Section 60 CPC provides for property liable to attachment and sale in execution of decree. Proviso appended to Section 60 (1) CPC deals with the property that shall not be liable to such attachment or sale. Clause (a) of Section 60 (1) envisages that the necessary wearing-apparel, cooking vessels, beds and bedding of the judgment-debtor, his wife and children and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman shall not be liable to attachment or sale. Counsel for the petitioner is not in a position to say as to how the present application filed by the petitioner is covered within the purview and scope of Section 60 (1)(a) CPC as none of the articles mentioned at serial No. (ii) to (vi) in para 2 of the petition fell within the ambit of articles in Clause (a). In this view of the matter, I do not find any error much less illegality in the impugned order as would warrant intervention.

Dismissed.

(Rekha Mittal)
Judge

14.03.2016
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