

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.2031 of 2016

Date of Decision.18.03.2016

Sachin and others

.....Petitioners

Vs.

Jai Lal and another

.....Respondents

Present: Mr. D.S. Matya, Advocate  
for the petitioners.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

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?

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**K. KANNAN J. (ORAL)**

1. The petition is at the instance of the defendants who have been impleaded as parties subsequent to the death of the father. The suit has been on the basis of a money claim by the plaintiff and after the death of the father, the son and two daughters have been impleaded. The contention of the defendants is that they have not inherited any property from the father either movable or immovable and they cannot be made liable.

2. The contention is premature and it can only be contended by them that they have not inherited any property and the Court will consider the same and it is not even necessary for the Court to go into the issue whether there are any assets after the death of the father in the hands of the sons or not. If the claim is proved as debt incurred by the father, there is bound to be decree passed against the defendants not in personam but against the assets in the hands of the son and

daughters. At the stage of execution, the Executing Court will consider whether there is any property which is to be proceeded against and if only the creditor-decree holder is able to show that there are the father's assets in the hands of the son and two daughters, they can be proceeded against. If the defendants' contention is that they have not inherited any property, that is still a matter that cannot fall for consideration through an interim application in the suit.

3. The plea raised by the defendants is premature and the matter will stand for consideration at the time of disposal of the suit.

The revision petition is disposed of with the above observations.

**(K. KANNAN)**  
**JUDGE**

**March 18, 2016**  
Pankaj\*