

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2242 of 2016

Date of Decision: 30.03.2016

Teja Singh

... Petitioner(s)

Versus

Gurmeet Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 7.12.2015, whereby the learned Executing Court attached the salary of petitioner/judgment debtor in execution petition.

Learned counsel for the petitioner mainly submitted that salary of the petitioner has been attached without issuance of any notice to the judgment debtor by the learned Executing Court and as such the impugned order is liable to be set aside.

Having considered the submissions made by learned counsel for the petitioner and the impugned order, passed by the

learned Executing Court, I am of the considered view that there is no illegality in the order under challenge because the learned Executing Court has passed the impugned order for attachment of the salary of judgment debtor to the extent of 1/3rd of carry home salary after deducting the first ₹ 10,000/-. As the execution of decree was sought and the date of decree is 4.9.2015, no notice was required to be issued to the judgment debtor. As per provisions of Order 21 Rule 22 CPC, if an application is moved for execution of any decree and the decree is more than two years old, then the Court is required to issue notice, otherwise it is not required to be issued. Such a view was taken by the Hon'ble Apex Court in ***Satyanarain Bajoria v. Ramnarain Tibrewal*** **1994 AIR (SC) 1583**

In view of above, present petition is without any merit and the same stands dismissed, in *limine*.

(Shekher Dhawan)
Judge

March 30, 2016

"DK"