

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

**CR No. 3769 of 2016 (O&M)
Date of decision: 27.05.2016**

Davinder Singh

... Petitioner

versus

Krishna Devi and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

K.Kannan, J. (ORAL)

I find no case for interference with the order already passed causing fetter against alienation, where the plaintiff's claim to a charge is not secured through any registered instrument. It will be open to the petitioner to seek for attachment of the property if he can bring the case within the parameters of Order 38 Rule 5 CPC. This right will not cause any obstruction to any secured creditor and the petitioner's own right will be subordinated to higher claims of secured creditor.

The revision petition is disposed of as requiring no intervention and allowing for the liberty to the petitioner to work out the rights in the manner referred to above.

**(K.KANNAN)
JUDGE**

27.05.2016

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