

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

C.R. No.451 of 2016
Date of Decision.28.01.2016

Krishan Kumar

.....Petitioner

Vs.

Harpreet Kaur and others

.....Respondents

Present: Mr. Vineet Chaudhary, Advocate
for the petitioner.

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 judgment debtor is the revision petitioner before this Court. In execution of a decree for money, the decree holder has sought for attachment of the property purported to be the property belonged to the judgment debtor. Judgment debtor's contention is that the decree is not executable since he was acquitted in the criminal case and that till the property for which the attachment is sought has been transferred, it will be in favour of his grand-children. Even an acquittal in criminal case judgment cannot annul a decree passed on merits. The objection taken about the executability of the decree is, therefore, not tenable. Even the contention by judgment debtor that the property does not belong to him may not require any adjudication unless a plea made that the property attached is not capable of being attached under any of the exceptions set out under Section 60 of the Civil Procedure Code. If the contention were to be that the property does not belong to him, the

persons who have right to the proeprty may intervene with the plea in the manner contemplated under Order 21 Rule 58 CPC. The judgment debtor himself cannot fetter a decree holder from putting the decree in execution in the way he pleases, for what is brought in sale is only a right, title and interest of the judgment debtor to whatever extent it may exist. The counsel says that he was not heard before the order was passed. I have given him the benefit of argument and I find nothing tenable and it would not make any difference at all.

2. The revision petition is dismissed.

(K. KANNAN)
JUDGE

January 28, 2016
Pankaj*