

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR No. 5551 of 2016(O&M)

Date of decision :20.12.2016

Abjinder Singh @ Avjinder Singh

.....Petitioner

Versus

Tarlochan Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. J.S.Brar, Advocate
for the petitioner.

Mr. Vijay Lath, Advocate
for respondent no.1.

DARSHAN SINGH, J. (Oral)

Learned counsel for the respondent has conceded the fact that the salary of the petitioner has already been attached by the learned Executing Court and the amount is being regularly received in the Executing Court by way of deduction from the salary of the petitioner-JD. He has agreed that the attached property of the JD may not put to sale and at the first instance, the efforts should be made to recover the remaining decretal amount from the salary of the JD.

Learned counsel for the petitioner in addition to the pleas raised in the petition has further stated that the learned Executing Court has ordered for the sale of the property of the JD even without deciding the objections filed by the petitioner-JD under Order 21 Rule 58 of the Code of Civil Procedure, 1908 (for short CPC).

Thus, in these circumstances, the present revision petition is hereby disposed of with a direction to the learned Executing Court not to

proceed with the sale of the attached property of the JD. At the first instance, the efforts should be made to recover the decretal amount from the salary of the JD. The steps for the sale of the property shall only be taken by the learned Executing Court after deciding the objections under Order 21 Rule 58 CPC on merits, if already filed by the JD and if the recovery of the decretal amount is not possible from the salary of the JD.

20.12.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No