

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6414 of 2016 (O&M)
Date of decision:26.09.2016

Nachattar Singh

... Petitioner

Vs.

Chand Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Gulam Nabi Malik, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-decree holder is aggrieved of the allowing of the objections filed by third party/respondents No.1 and 2, namely, Chand Singh and Sikander Singh.

Mr. Gulam Nabi Malik, learned counsel appearing on behalf of the petitioner-decree holder submits that a money decree dated 17.12.2010 was passed in a suit instituted on 05.03.2003. The objectors alleged that they have purchased the property, vide sale deed dated 28.11.2002. The objectors are none-else but the nephews of the judgment debtor and the sale deed is without consideration. It is an attempt to thwart the liability. The Court below ought not to have allowed the objections without framing issues, much less granting opportunity to the petitioner and therefore, the order under challenge is perverse.

I have heard learned counsel for the petitioner-decree holder

and appraised the paper book.

The third party objectors are owners of the property as per the sale deed of 2002, whereas, the suit was instituted on 05.03.2003, i.e., prior to the sale. If at all, the petitioner is aggrieved, he has to seek execution of the decree. He is at liberty to file the list of property of the judgment debtors and not of third party, in accordance with law and if he is not in possession of the property and then can take the assistance of the provisions of Order 21 Rule 37 of Code of Civil Procedure but not in the manner and mode as has been adopted.

In view of the aforementioned observations, I am of the view that the order under challenge is perfectly legal and justified and the same cannot be said to have been passed without jurisdiction. I do not intend to differ with the findings rendered in the impugned order.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 26, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No