

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

C.R. No.6990 of 2016 (O&M)

Date of Decision.27.10.2016

Bhagwan Dass

.....Petitioner

Vs

Amarjit Kaur and another

.....Respondents

Present: Mr. Jatinder Singla, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner/judgment debtor No.2, owner of the vehicle, is aggrieved of the impugned order dated 04.10.2016 whereby the objections in part had been allowed, in essence, he has been called upon to pay a sum of ₹1 lac to show the bona fide failing which the execution proceedings shall further continue.

Mr. Jatinder Singla, learned counsel appearing for the petitioner-judgment debtor submits that the objection petition was filed indicating that the property sought to be attached is only a residential house constructed thereon and therefore, in view of the provisions of Section 60 (ccc) of the Code of Civil Procedure, the same is exemptible from the attachment.

He submits that in pursuance of the order dated 4.10.2016, there is warrant of attachment (Annexure P-8) issued, thus, the order under challenge is not sustainable in the eyes of law.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that warrant of attachment (Annexure P-8) was

The operating part of the impugned order in paragraph 7 and 8 reads as under:-

“7. In such circumstances, in order to maintain the fair balance, this objection-petition is accepted partially with the observations that the objector should deposit an amount of rupees one lac before the next date fixed, failing which the present objection petition shall stand dismissed on this house including the shop given on rent by the objector shall be put to sale for realization of the decretal amount.

8. The decree holder should also arrange buyer by next date and submit the particulars of the prospective bidder. She is also at liberty to participate in the auction of that property. She is also at liberty to offer the price of the said other property.”

This Court called upon Mr. Singla to apprise the next date of hearing. He states that the next date of hearing is 29.10.2016.

It is strange that the petitioner/judgment debtor is a far-sighted person, who has envisioned that on 29.10.2016, the order of warrant of possession would be passed. Such type of argument is not only skeptical but a figment of imagination. Even the bona fides of the petitioner are lacking as he has not deposited the sum of ₹1 lac as indicated in the order.

For the foregoing reasons, I do not intend to differ with the order under challenge. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

October 27, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No