

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

CR No. 7915 of 2014 (O&M)

Date of decision: February 24, 2016

Dhan Singh

...Petitioner

Versus

Baljit Kaur and another

...Respondents

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?**

Present: Mr. Jai Bhagwan, Advocate,
for the petitioner.

Mr. Sherry K. Singla, Advocate,
for respondent No.1.

K. KANNAN, J. (Oral)

1. The revision petition is by the judgment debtor challenging the order passed by the executing court in allowing for execution of a money decree in favour of an assignee of the decree. In the application, it was stated that the decree had been sold (assigned) on 12.9.2006 for a lakh of rupee and he was entitled to receive the whole of the amount under the decree. The plaintiff is relying on an agreement of sale of the decree and thumb marked by the decree-holder Bachan Kaur in proof of the recitals. The Court had issued a notice to the judgment debtor who raised a dispute that the execution petition was not competent since notice as required under Section 21 Rule 16 of the Civil Procedure Court was not issued. It was the contention that the assignment was not valid. Yet another objection was

that the judgment debtor himself was a legal heir of the decree-holder.

2. These objections were rejected and further process in the execution was ordered. It is stated that the decree-holder has obtained a fraudulent assignment and trying to execute the decree. Bachan Kaur had been served with notice and she did not appear in the Court and as such she was proceeded-exparte and subsequently she appears to have also died.

3. I will find no serious prejudice to the petitioner. However, to make the process complete, I direct the executing court to allow for evidence to be led by the alleged assignee of the decree to prove the assignment and give an opportunity to the judgment debtor to cross-examine the witnesses. If the Court is satisfied that there had been valid assignment, it will allow for further process in the execution in the manner sought for.

4. The impugned order is set aside and the matter is remanded for disposal in the manner directed above.

February 24, 2016
prem

(K.KANNAN)
JUDGE