

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

**C.R. No.8316 of 2015 (O&M)
Date of Decision.14.01.2016**

Harjit Singh and another

.....Petitioners

Vs.

Aashmeen and another

.....Respondents

Present: Mr. Himanshu Puri, 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 revision petition is not competent. The execution is brought by the decree holder for attachment in sale of the property. The objection is taken by the parents-in-law who are the petitioners contending that the property did not belong to their son but it belonged to them exclusively. According to them, the property had been purchased in the name of the son no doubt but it was during the time when he was still a student and he did not have resources to purchase and the property actually only belongs to them. However, there was a settlement under the terms of which this property which is attached and brought for sale was retained by the parents and the son had been granted the plots of some other property.

2. If an execution is brought by attachment and sale in execution of a maintenance decree, any person who claims the property attached that does not belong to the judgment debtor can only have an objection by way of preferring a claim under Order 21 Rule 58 CPC and

seeking for adjudication that the property belonged to them and that the attachment must be raised. There cannot be merely objection at the execution to state that they are the owners and decree ought not to be executed. The objection in the manner in which it was taken is erroneous. If it were to be contended that the order passed must be taken on an adjudication on a claim still the order which was passed will be in the nature of decree as per the definition under Order 21 Rule 58 (4) CPC and there cannot be an interference in the revision petition.

3. The revision petition is incompetent and it is dismissed with the above observations.

(K. KANNAN)
JUDGE

January 14, 2016
Pankaj*