

In the High Court of Punjab and Haryana at Chandigarh

EFA No. 5 of 2016

Date of Decision: 23.2.2016

Amarjeet Singh

---Appellant

versus

M/s Magma Fin and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Aman Dhir, Advocate
for the appellant**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition lays challenge to order dated 18.12.2015 passed by the Additional District Judge, Ambala, whereby the objection petition preferred by the appellant in execution petition titled “M/s G.E.Money Financial Services Limited vs. Anil Kumar Hans and others”, has been dismissed.

Counsel for the appellant contends that the property, put to sale in execution of an arbitral award in favour of respondent No. 1 actually belongs to the appellant but the same was fraudulently shown by the judgment debtor as his property and mortgaged with the decree holder/respondent. It is further submitted that no notice was served upon the appellant in the execution proceedings. He has already filed a suit

against the judgment debtor in which an order of status quo has been passed. The appellant would be seriously prejudiced, rather suffer irreparable loss and injury in case the property in question is put to auction for realization of the decretal amount.

I have heard counsel for the appellant and perused the records.

The learned executing court has noticed that as per sale deed produced by the decree holder, the property in question was sold in favour of judgment debtor Raj Kumari Hans on 24.3.2006 and thereafter, it was mortgaged by the judgment debtor with the decree holder for availing loan. On a pointed query raised by the Court, counsel is not in a position to point out any document that can prima facie sustain appellant's plea that he is owner of the suit property and thus, the same cannot be put to auction for realization of the outstanding liability of respondents No. 3 to 5 against whom an arbitral award dated 13.5.2010 has been passed in arbitration proceedings captioned "M/s G.E.Money Financial Services Limited vs. Anil Kumar Hans and others". It further appears that the appellant has been fighting proxy litigation at the behest of the judgment debtors to stall the execution proceedings.

In view of what has been discussed hereinabove, finding no merit, the petition is dismissed in limine.

(Rekha Mittal)
Judge

23.2.2016

PARAMJIT