

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

ESA No.199 of 2016(O&M)

Date of decision:8.9.2016

Harjeet Kaur

....Appellant

VERSUS

Rupinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. B.S. Jatana, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal has been directed against order dated 19.02.2016 passed by the Additional District Judge, Barnala and order dated 18.01.2014 passed by the Civil Judge (Senior Division), Barnala.

Counsel for the appellant has submitted that in execution application for recovery of Rs.4,68,680/- filed by Ms. Balwinder Kaur, the present appellant along with Amarjit Kaur preferred an objection petition placed at pages 26 to 30 of the paper-book. Another objection petition was preferred by Avtar Singh, Guriqbal Singh and Gurpal Singh arrayed as respondents/judgment debtors No.5 to 7 in the execution application. The executing Court framed an issue on the objection petition preferred by Avtar Singh and others and the same was decided vide order dated 18.01.2014. It is further submitted that in the objection petition preferred by the petitioner along with Amarjit Kaur, neither any issue was framed nor the Court otherwise decided the objection petition. However, in appeal M.C.A. No.05 of 12.02.2014 against order dated 18.01.2014, the petitioner was also joined as one of the appellants along with Avtar Singh and others.

It is prayed that the present appeal may be disposed of with liberty to the appellant to file an appropriate application before the executing Court for decision of the objection petition preferred by her along with Smt. Amarjit Kaur.

Perusal of the order dated 18.01.2014 passed by the Civil Judge (Senior Division), Barnala does not indicate that objection petition preferred by the petitioner along with Amarjit Kaur has been disposed of while deciding the objections preferred by Avtar Singh and others. However, without commenting upon merits of the controversy, the appeal is disposed of with liberty to the appellant to file an appropriate application before the executing Court.

SEPTEMBER 8, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no