

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

CR-9128-2017 (O&M)
Date of decision: 22.12.2017

SANDEEP SINGH

...Petitioner

Versus

HARWINDER KAUR & ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. M.J.S. Bedi, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The petitioner has invoked jurisdiction of this Court under Article 227 of the Constitution of India for setting aside the impugned order dated 12.12.2017 passed by the Additional Civil Judge (Sr. Div.), Phul.

Counsel for the petitioner would urge that the petitioner is son of JD Harbans Singh and Harbans Singh is confined in Central Jail, Bathinda. The JD is ready to pay the decretal amount to the extent of his share. It is further submitted that a serious prejudice shall be caused to the JD and his family in case the order impugned is not set aside. Counsel would inform that in the auction conducted by the Court below, decree holder is the successful bidder who participated in auction after necessary permission by the Court.

Be that as it may, the petitioner is not a party to the lis in which

the decree was passed in favour of Harwinder Kaur and others. Property of the petitioner has not been attached or put to sale for realization of the decretal amount. Under the circumstances, the petitioner has no locus to file an application before the executing Court to challenge attachment and sale of property of his father JD Harbans Singh nor can he invoke jurisdiction of this Court under Article 227 of the Constitution of India. Harbans Singh JD, even if confined in jail, can well file an application through a legal aid counsel or Superintendent of jail for appropriate relief, in accordance with law.

In view of the above, the present petition stands disposed of. However, in case an application is filed by JD Harbans Singh, same shall be decided by the executing Court, in accordance with law.

22.12.2017
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No