

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

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CR No.100 of 2014 (O & M)
Date of Decision:04.04.2018

Kulwant Kaur

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Narula, Advocate
for the petitioner.

Mr. Ajay Kumar Gupta, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Third party objections filed by Smt. Kulwant Kaur, the petitioner, dismissed by the learned Executing Court vide order dated 07.12.2012 and the order dated 29.11.2013 passed by the Court issuing warrants of sale of the property have been challenged in this petition.

It is the case of the petitioner that property in question was never owned by late Shri Harinder Singh, judgment-debtor. Kulwant Kaur is alleged to have purchased the property from Mehar Singh, her father vide sale deed dated 17.09.2004. The learned Executing Court has dismissed the objections only on the ground that sale is after the attachment of the property.

No doubt, there are two arbitration awards in favour of Union of India and against late Shri Harinder Singh. The property left behind by late Shri Harinder Singh is liable to attachment and sale. However, first it

Shri Harminder Singh or not. Without deciding this question, the property cannot be put to sale.

A reading of the order passed by the learned Executing Court establishes that the learned Court did not go into the issue to be determined and dismissed the objection.

In view thereof, the orders under challenge are set aside. Learned Executing Court is directed to re-decide the objections. Since the execution petition is pending for last 15 years, the learned Executing Court is requested to decide the objection petition within a period of 2 months from the date of receipt of certified copy of the order.

Revision petition is allowed.

04.04.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No