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

**CR 3931-2014** (O&M)
**Date of decision: 26.03.2018**

**Sukhdev Singh**

**…..Petitioner**

**versus**

**Thana Singh**

**……Respondent**

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Ashish Grover, Advocate for the petitioner
Mr.G.L.Bajaj, Advocate for the respondent

*1. Whether Reporters of Local Newspapers 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?*

**Kuldip Singh, J. (Oral)**

Impugned in the present revision petition is the order dated 22.2.2014, passed by learned Civil Judge (Senior Division), Bathinda, vide which in an execution application for recovery of Rs.3,24,813/-, application filed by the decree holder to attach property of the sons of the JD was dismissed.

I have heard learned counsel for both the parties and have also carefully gone through the file.

It is claimed that the suit property is ancestral and was in the name of the father of the JD. However, in order to avoid execution, father of the JD executed Will in favour of sons of JD. After the death of the father of JD, property has been transferred to the sons of the JD. It is contended that this has been done to avoid execution.

I am of the view that the property was owned by father of the

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JD and he executed a Will in favour of the sons of the JD. Until and unless that transfer is set aside, it cannot be held that the property has been fraudulently transferred to avoid execution of the decree against JD. Moreover, the sons of the JD are not party to the execution and without hearing them no adverse order can be passed against them. No ground is made out to interfere in the impugned order.

Resultantly, the present revision petition stands dismissed.

Since the main case has been dismissed, therefore, the pending CM, if any, also stands disposed of.

**26.03.2018** **(Kuldip Singh)**
*gk* **Judge**

Whether speaking/ reasoned: Yes
Whether Reportable: No

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