

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

126

CR No.5007 of 2017 (O & M)
Date of Decision:25.05.2018

Suman Bala and others

...Petitioners

Versus

M/s Dee sons International and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Sharma, Advocate
for the petitioners.

Mr. Sandeep Sharma, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Judgment-debtors are trying to stall execution of money decree.

Objections filed by the judgment-debtors have been rejected by the learned
Executing Court through a detailed order.

The Court has found that the judgment-debtors are not residing
at the residential house, which has been attached by the Court in execution
of the decree.

Learned counsel for the petitioner while drawing attention of
the Court to the provisions of Section 60 (c) and Section 60 (ccc) as
applicable to States of Punjab, Haryana and Chandigarh contends that under
Section 60 (c), the word occupied by him has been replaced with the
words:-

*“(c) houses and other buildings (with the
materials and the sites thereof and the land immediately
appurtenant thereto and necessary for their enjoyment)*

belonging to (an agriculturist or a labourer or a domestic servant) and not proved by the decree holder to have been let out on rent or lent to persons other than his father, mother, wife daughter-in-law, brother, sister or other dependents or left vacant for a period of a year or more.”

Therefore, self occupation of the property is not necessary. This Court has considered the submission. However, find no substance. For applicability of Section 60(c), it is mandatory that the judgment-debtors should be an agriculturalist or a labourer or a domestic servant.

It is not in dispute that the petitioners have not alleged that they belong to the categories specified therein. Section 60(c) would be applicable only in case, objections are filed by a person, who belongs to any one of the above categories failing which Section 60(c) would have no applicability.

Learned counsel for the petitioners thereafter drew attention of the Court to Section 60 (ccc) again added by State of Punjab applicable to Punjab, Haryana and Chandigarh. Section 60 (ccc) is extracted as under:-

“(ccc) one main residential house and other buildings attached to it (with the material and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to a judgment-debtor other than an agriculturist and occupied by him:

Provided that the protection afforded by this clause shall not extend to any property specifically charged with the debt sought to be recovered.”

Section 60 (ccc) uses 'significant words' i.e. occupied by him. In the present case, learned Executing Court has found that the property, which has been attached is not occupied by the judgment-debtors. The Court has further found that the judgment-debtors are residing in a different accommodation.

Learned counsel for the petitioners further made an attempt to persuade this Court to take a view which is beneficial to the persons, who are in desperate need. I am afraid that the Court cannot go beyond what is intended by the legislature.

Learned counsel for the respondents has pointed out that petitioner No.1 appeared herself in the execution petition and undertook to pay the amount, however, thereafter resiled. He has pointed out that repeated opportunities were given to the petitioners to pay the amount.

Keeping in view the aforesaid facts, this Court does not find any good ground to interfere with the order passed.

Revision petition is dismissed.

25.05.2018

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(ANIL KSHETARPAL)
JUDGE

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