

242

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8242 of 2016 (O/M)
Date of decision : 22.2.2018

Babita Jain and others

..... Petitioners

Versus

Jain Industries and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajeev Joshi, Advocate, for petitioners.

Mr. G.S. Brar, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Defendants-petitioners have impugned the order dated 13.10.2016 (Annexure-P-7), passed by learned Additional Civil Judge (Senior Division), Phillaur, vide which on an application filed by plaintiffs-respondents under Order XXXVIII Rule 5 read with Section 151 CPC, 1908, defendants-petitioners were directed to furnish security in the shape of surety bond to the tune of Rs. 1,29,59,120/- within one month from the date of passing of the order, failing which property of defendants-petitioners as detailed in headnote of application (Annexure-P-5) was ordered to be attached before the judgment under Order XXXIX Rules 1 and 2 CPC, 1908.

Heard.

The learned counsel for petitioners contends that suit for recovery has been filed on the basis that some amount was due from deceased partner Vinod Kumar Jain. Defendants are his legal heirs. It is

CR No. 8242 of 2016 (O/M)

contended that property of defendants as mentioned in application at point 'A' and 'B', no other property of defendants was mentioned for attachment which is sufficient to satisfy the decree. It is stated that they have already undertaken in the reply that they will not sell the property. Even before this Court, the learned counsel for petitioners gave an undertaking that they will not alienate the property mentioned in the plaint, except the residential house.

Keeping in view the property mentioned in application which is sufficient to satisfy the decree, impugned order is modified to the extent that property mentioned in application (Annexure-P-5), except the residential house of defendants, shall not be alienated by defendants during the pendency of suit without the prior permission of the trial Court. Consequently, instant revision is partly allowed.

(KULDIP SINGH)
JUDGE

22.2.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No