

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

**CR No.8262 of 2018(O&M)
Date of Decision: 05.12.2018**

Ramesh Chand

.....Petitioner

Versus

Vikas Thakur and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Siddharth Gupta, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Learned counsel for the petitioner contended that application under Order 21 Rule 41 CPC filed by the petitioner/deGREE holder was allowed vide order dated 06.09.2018. Thereafter, oral examination of judgment debtor No.2/Kashmir Singh was done on 24.09.2018, wherein he deposed on oath that property owned by him is situated in District Jalandhar. He gave house No.15/1, Hargobind Nagar, Jalandhar as the property owned by him. He further stated that the aforesaid house being the only residential house cannot be attached.

[2]. Civil Judge (Junior Division), Phul vide order dated 19.11.2018 held that the Court at Phul has no jurisdiction to

entertain the execution. Non-satisfaction certificate was issued and execution was transfer by way of percept to the Civil Judge (Senior Division), Jalandhar.

[3]. The only grievance of the petitioner is that while preparing the aforesaid percept, the property number was not mentioned in the same.

[4]. This revision petition can be disposed of by directing the Civil Judge (Junior Division), Phul to incorporate property number in the percept and then transfer the execution to the competent Court at Jalandhar. In case, the mode of execution in terms of Application under Order 21 Rule 11 CPC is not satisfied, the Court would be at liberty to take further action in accordance with law.

05.12.2018

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**