

CRM-33783-2018,
CRM-33784-2018 in/and
CRM-M-17577-2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-33783-2018,
CRM-33784-2018 in/and
CRM-M-17577-2016 (O&M)
Date of Decision:- 26.9.2018

Gurjeet Singh and others ... Petitioners
Versus
State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. C.S.Jattana, Advocate, for the petitioners.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (Oral)

CRM-33783-2018

In view of the reasons mentioned in the application the documents sought to be placed on record are taken on record as Annexures P-8 and P-9 subject to all just exceptions.

CRM-33784-2018

In view of the reasons mentioned in the application, the same is allowed and the main case which is fixed for 22.11.2018 is preponed and is taken on Board today itself.

CRM-M-17577-2016 (O&M)

The petitioners are mainly aggrieved by order dated 15.2.2016 passed by learned Judicial Magistrate 1st Class, Mansa whereby their

application for release of the land which had been attached vide Rapat No.423 dated 20.4.2011, has been dismissed.

Having heard the learned counsel for the petitioner and having perused the impugned order, I find that the application has been declined mainly on the ground that the petitioners had not furnished the details of the order of attachment vide which the land in question had been attached despite the fact that several opportunities had been afforded to the petitioners. The relevant extract from the order dated 15.2.2016 reads as follows:

“3. The perusal of application shows that applicants have not mentioned the particulars of case in which order of the attachment of the alleged land was passed by the Court though many opportunities were given to the applicants to file the same. Applicants have only placed on file the copy of report No.423 of 20.4.2011 of attachment of land Ex.AW-1/A, copy of sale deed No.696 dated 13.5.2014 in favour of applicants by Sher Singh etc. of the land measuring 7 kanal 12 marla, copy of jamabandi for the year 2011-12 of village Nangal Kalan showing the land of Sher Singh. The Court is of the considered opinion that the Court cannot pass the order for release of aforesaid property from attachment in the instant application without any record or particulars of the case. Under these facts and circumstances, the present application stands disposed of for want of case particulars. File be consigned to the record room.”

Since for proper adjudication of the application, the order vide which the land in question was attached would be required to be perused, the matter is disposed of with a direction to learned Judicial Magistrate 1st Class, Mansa to decide the matter afresh provided the petitioners furnish a copy of order of attachment to the said Court.

The learned counsel has submitted that he shall do the needful within 3 months from today.

In case, the petitioners move any fresh application to the trial Court for release of the attached land along with a copy of the attachment order within three months from today, the learned Judicial Magistrate 1st Class, Mansa shall dispose of the same expeditiously, preferably within a period of 3 months thereafter.

The petition, accordingly, is disposed off.

September 26, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No