

CR-5844-2018 (O&M)

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

CR-5844-2018 (O&M)

Date of decision : 04.04.2019

Santokh Singh

... Petitioner

Versus

Surinder Singh Parmar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. G.S. Bal, Senior Advocate with
Mr. A.D.S. Bal, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order dated 04.05.2018, whereby the application submitted by the plaintiff under Order 38 Rule 5 of the Code of Civil Procedure seeking attachment of the property in a suit for recovery of ₹66,69,568/- and damages to the tune of ₹5.00 Crores, has been dismissed.

Mr. G.S. Bal, learned Senior Counsel assisted by Mr. A.D.S. Bal, learned counsel for the petitioner submitted that even if, the defendants-respondents, in the reply, disclosed that they had no intention to dispose of the property, this Court can always protect the interest of the petitioner by fixing some condition of prior permission from the Court. In support of his contention, he relies upon the ratio decidendi culled out by this Court in **CR No.2904 of 2014** titled as **“M/s Achal Paper Industries and another V/s M/s Shree Mrigawati Traders”**, decided on 26.04.2014.

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I have heard learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Bal, for, the impugned order, *prima facie*, is based upon the fact that the petitioner-plaintiff has not placed any material expressing apprehension of disposing of the property. Even otherwise, the impugned order will not prevent the applicant to espouse the cause as and when certain circumstances or the information come to the notice of the plaintiff for vindication of the grievance, before the adjudication of the suit.

With the aforesaid observations, while uploading the impugned order, under challenge, the present revision petition stands disposed of.

04.04.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**