

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

CR No. 6103 of 2018

Date of Decision: 22.02.2019

Chenab Hosiery Mills

.....Petitioner

Vs.

M/s Shipley Collections and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Davinder Singh, Advocate, for
Mr. Aayush Gupta, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to notice issued, Mr. Sanjeev Kumar, Advocate, appears for respondents no. 1 and 2, i.e. the decree-holders in whose favour the impugned order dated 11.07.2018 has been passed by the execution Court.

By the said order, warrants of attachments of the property owned by the petitioner had been ordered to be issued.

As recorded in the order dated 13.09.2018, by which notice of motion had been issued, learned counsel for the petitioner had contended that the petitioner is not a judgment-debtor in the *lis* in which execution proceedings are pending, with him however being the owner of the property that has been attached, he not even being a Proprietor or a partner in the respondent firm (respondent no. 1).

Today, learned counsel appearing for the contesting respondents has filed in Court an affidavit of the Proprietor of the firm, i.e. respondent no. 2

Yogesh Madan, stating as follows:-

“That the deponent Yogesh Madan/respondent no. 2/decree holder no. 2 is the proprietor of M/s Shipley Collections, respondent no. 1/decree holder no. 1.

We respondents no. 1 and 2/decree holders will not get the property attached of the petitioner/applicant/objector lying in house no. 1284/87, Guru Nanak Dev Nagar, Street No. 1, Ludhiana, in the execution proceedings titled as M/s Shipley Collections vs. Naina Oswal and others pending in the Court of Ms. Sumit Sabharwal, Civil Judge (Junior Division), Ludhiana.”

The said affidavit is taken on record.

In view of what is contained in the affidavit, with the respondents/decree-holders not laying any claim to the property that has been ordered to be attached, this petition has been rendered infructuous as regards the issue arising in it. The impugned order is naturally however set aside, qua attachment of the said property.

February 22, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.