

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

CR-1204-2019

Date of decision:-21.2.2019

Amarjit Singh

...Petitioner/JD

Versus

Mohinder Singh

...Respondent/DH

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Yashpal Thakur, Advocate  
for the petitioner.

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**H.S. MADAAN, J.**

Heard.

The plaintiff - Mohinder Singh had filed a suit for specific performance of agreement to sell dated 26.5.2005, in the alternative seeking relief of recovery; in that suit he had impleaded Amarjit Singh as defendant No.1 and Punjab Scheduled Castes Land Development and Industrial Corporation, Chandigarh through its Manager as defendant No.2; that after contest the trial Court of Civil Judge (Jr.Divn.), Amloh vide judgment and decree dated 21.9.2011 found the plaintiff entitled to alternative relief of recovery.

The plaintiff felt aggrieved by the said judgment and decree

passed by the trial Court and filed an appeal before District Judge, Fatehgarh Sahib, which was assigned to Additional District Judge, Fatehgarh Sahib, who vide judgment and decree dated 19.5.2012 disposed of the appeal observing that the plaintiff/appellant shall be entitled to realization of decretal amount through sale of the suit property, which is in the nature of a plot.

The plaintiff filed an execution for recovery of the amount and sought attachment of 11/42 share in the land measuring 2 bigha 12 biswa situated within village Mudharian, Tehsil Amloh, District Fatehgarh Sahib. That property was accordingly attached. The defendant submitted objections to the attachment in terms of Section 47/60 CPC contending that the attached property is in the form of residential house, where the objector is residing along with his family; that he has no other house to reside and residential house is exempted from the attachment and sale in money decree. The objections were contested by plaintiff/decreed-holder. The executing Court vide order dated 15.11.2018 dismissed the objections with the observations that it had been brought to the attention of the Court by JD/objector himself that there is some land vacant in front of his residential house, which is not part of constructed house but it is four walled and learned Additional District Judge, Fatehgarh Sahib in her judgment had observed that could be recovered by sale of suit property, which was in the form of a plot.

The JD/objector has approached this Court assailing the said order. However, after hearing learned counsel for the petitioner and going through the record, I find that the order in question is well reasoned,

which does not suffer from any illegality or infirmity and no interference therewith is called for while exercising revisional jurisdiction.

Thus, finding no merit in the civil revision petition, the same stands dismissed.

21.2.2019

Brij

**(H.S.MADAAN)****JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**