

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

CR No.1909 of 2019

Date of Decision: 19.03.2019

Harbans Singh

..... Petitioner

versus

Ravinoor Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Baltej Singh Sidhu, Advocate
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

1. This revision petition has been preferred against the impugned order passed by the Ld. Civil Judge (Junior Division), Executing Court, Budhlada, District Mansa in Execution Petition No.30 of 2017 on 17.07.2018 (Annexure P-3).
2. Vide the impugned order, the Ld. Court below had dismissed the objections filed by the petitioner-Judgment Debtor against the execution proceedings. He had challenged the proceedings by firstly contending that an appeal against the decree in question had been filed, and that in any case, he was not the owner of the concerned property, which was subjected to execution.
3. The Ld. Court below rejected both his contentions, and rightly so, by observing that mere pendency of an appeal in the absence of any specific stay order was no ground to not put the decree to execution and that even the story of the petitioner-Judgment Debtor of not being the actual owner of the disputed property was not *bona fide*, since he himself

had transferred the said property by way of a Deed of Sale in favour of a third person, who incidently happens to be his own wife, and that such transfer had been effected during the pendency of the suit itself, which was, therefore, a visibly collusive and tainted act.

4. This Court, therefore, finds no grounds exist to interfere with the impugned order passed by the Ld. Court below. Consequently, the present petition is dismissed.

(SUDIP AHLUWALIA)
JUDGE

March 19, 2019

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No.