

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

**CR No.3120 of 2019(O&M)
Date of Decision: 13.05.2019**

Jasvir Kaur

....Petitioner

Versus

Gurvinder Singh and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Jaswinder Singh, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 14.08.2018 passed by Additional Civil Judge (Senior Division), Jalalabad (West) vide which application for releasing the suit property was dismissed.

[2]. Perusal of the record would show that the suit filed by the decree holders was decreed on 30.08.2014. The appeal filed by the judgment debtors before the Lower Appellate Court was dismissed by the Additional District Judge, Fazilka vide judgment and decree dated 14.08.2015. The suit was decreed for recovery of Rs.9,58,000/- towards damages/compensation along with interest @ 6% per annum from the date of filing of

the suit i.e. 18.08.2009 till the date of final realisation. The mode of execution of decree was by way of warrant of attachment and sale of property of the judgment debtor and by way of arrest and detention or any other mode under the law. Decree holders filed execution petition for execution of the decree thereby calculating the decretal amount to the tune of Rs.9,58,000/- and interest @ 6% per annum as per decree to the tune of Rs.3,49,670/-. The total amount was assessed to be Rs.13,07,670/- along with interest thereon in terms of decree.

[3]. The execution petition was filed on 11.09.2015. The execution petition was pending for securing the presence of the judgment debtor by means of issuance of conditional warrant. Thereafter, application was filed for attachment of the property of the judgment debtor. The warrant of attachment was ordered to be issued on 12.09.2017. Judgment debtor No.2 transferred the property in the name of his mother vide transfer deed dated 07.09.2017 bearing indenture No.1572 dated 08.09.2017 registered in the office of Sub Registrar, Jalalabad.

[4]. Evidently, the aforesaid transaction is hit by Section 53 of the Transfer of Property Act. The relationship between the judgment debtor and Jasvir Kaur has not been denied. Jasvir Kaur is the mother of judgment debtor No.2 who had suffered the transfer deed during pendency of the execution. Such a

fraudulent exercise in order to avoid execution of decree cannot be allowed.

[5]. The application for release of property has been rightly dismissed by the executing Court. There cannot be any exception to the aforesaid course adopted by the executing Court. This revision petition is accordingly dismissed.

13.05.2019

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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No