

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

CR No.3802 of 2019

Date of Decision : 31.05.2019

M/s International Automobiles and another

..... Petitioners

Versus

Harish Kumar Khanna & Sons and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Namit Gautam, Advocate
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

This revision is directed against the order dated 18.05.2019 passed by the Ld. Additional Civil Judge (Senior Division), Ludhiana, vide which the application of the Petitioner-Judgment Debtor for releasing its bank account at Sr. Nos.1 and 2 in the list of properties filed by the decree holder was dismissed.

2. It has been contended on behalf of the petitioners that the property covered under Item No.3 of the said list could be subjected to charge but the two bank accounts at Sr. Nos.1 and 2 ought to have been exempted from attachment as the entire business of the firm “M/s International Automobiles” would come to a stand still.

3. It was further contended that before the Ld. Court below that appeal against the decree in question had been filed, which is still pending.

4. The Ld. Executing Court nevertheless rejected the contentions of the petitioners as no actual stay order by the Ld. Appellate Court had been passed, and, admittedly, Ld. Executing Court, otherwise cannot go behind the decree.

5. Undisputedly, name of petitioner No.1-judgment debtor happens to be “M/s International Automobiles” as seen from Col. No.2 of the execution application (Annexure P-6), and the petitioner No.2 happens to be its proprietor.

6. As such, there is no irregularity in attaching the bank accounts of the firm, which itself is the judgment debtor, for satisfying the decretal dues.

7. No illegality or impropriety is, therefore, seen in the impugned order. Consequently, the revision petition stands dismissed.

(SUDIP AHLUWALIA)
JUDGE

May 31, 2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No