

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

CR-4046-2019 (O&M)
Date of decision: 08.07.2019

Ranjit Singh

...Petitioner

Versus

Bhupinder Singh

...Respondent

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

Present: Mr. Lalit Pathak, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Under challenge in this revision petition is order dated 14.03.2019, passed by Civil Judge (Jr. Divn.) Nabha, vide which, objections under Order 60 (1) (C) and Section 47 CPC read with Section 151 CPC for releasing the attached house of the petitioner/JD Ranjit Singh had been dismissed.

Briefly stated facts of the case are that Bhupinder Singh had filed an Execution Application against Ranjit Singh to effect recovery of the decretal amount. At request of the Decree Holder, property of Ranjit Singh-Judgment Debtor was attached. He had filed objections against attachment, contending that attached property was his only residential house. Those objections were contested by the Decree Holder and vide impugned order dated 15.01.2019, those objections were dismissed. JD-Ranjit Singh had approached this Court earlier, by way of filing a revision petition, which was disposed of by a Co-ordinate Bench, vide

order dated 31.01.2019 and the following order was passed:-

“Keeping in view the fact that the executing court has dismissed the objections on the ground that the judgment debtor-petitioner has failed to connect the house with the attached property, therefore, the revision petition is disposed of with the observation that the judgment debtor would be at liberty to file fresh objections, if so advised, along with unimpeachable evidence to prove that the property attached is a residential house.

Disposed of, accordingly.”

Thereafter, the Judgment Debtor preferred fresh objections on 13.02.2019, which were disposed of by the Executing Court of Civil Judge (Jr. Divn.) Nabha, vide order dated 14.03.2019 with the following observations:-

“9. It is to be mentioned here that the respondent-DH filed civil suit No. 170T on 08.11.2005 and a money decree was passed on 08.02.2013 by Ms. Baljinder Kaur, PCS, then then Ld. Civil Judge (Jr. Divn.), Nabha and thereafter, in appeal the said decree was modified by Learned Additional District Judge, Patiala vide judgment dated 25.01.2016. However, since then the applicant-objector-JD has not paid even a single penny towards the satisfaction of the decree under execution and the respondent-DH has been prevented from reaping the fruits of the decree passed in his favour after a long drawn litigation.

10. Resultantly, considering the entire facts and circumstances of the fresh objection petition filed by the JD-objector and in view of the above discussion, this Court is of the firm and considered view that the fresh objection petition dated 13.02.2019 filed by the applicant-objector-JD is to meet the same fate and it is without any merit and is liable to be dismissed. Accordingly, the fresh objection petition dated 13.02.2019 filed by the applicant-objector-JD is hereby dismissed.”

Inter alia, in the order, the Executing Court has observed that Judgment Debtor/Objector had not filed any fresh document or evidence in support of the present objection petition and these are the same documents and evidence which was earlier available on the judicial file and which has been discussed in detail in order dated 15.01.2019. In that way, the JD/Objector has failed to produce any other document what to say of an unimpeachable evidence on record in proof of the fact that the property attached is a residential house.

I do not find any illegality or infirmity in the order, much less apparent on the face of it, which might have called for interference by this Court, while exercising revisional jurisdiction. Thus, finding no merit in the revision petition, the same stands dismissed.

08.07.2019
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No