

CR-2328-2014(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2328-2014(O&M)
Date of decision: 10.01.2020

Sukhnain Kaur

.....Petitioner

Versus

Smt. Meena Kumari and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Divanshu Jain, Advocate for the petitioner

Mr.A.K.Goel, Advocate for respondents

ANIL KSHETARPAL, J. (ORAL)

Petitioner has filed the present revision petition seeking setting aside of order dated 3.1.2014 passed by the Executing Court, Mohali, whereby the objections filed by the petitioner to the execution of award have been dismissed. It is undisputed that the petitioner is not the judgment debtor as per the award passed by the Motor Accident Claims Tribunal. The petitioner is owner to the extent of ½ share in House No. 2030, Sector 70, Mohali, which has been ordered to be attached in execution of the award. She does not claim property from judgment debtor to the extent of ½ share.

Keeping in view the aforesaid fact, attachment and order of sale of the property to the extent of share representing Sukhnain Kaur i.e 50% is not appropriate. Accordingly, the order passed by Executing

Court to that extent is set aside. The Executing Court would be free to pass fresh order in accordance with law while devising methodology to execute the award passed qua remaining share to the extent of 50% belonging to judgment debtor- Gurmeet Kaur. If the Executing Court, after making attempts to auction and sell ½ share of the undivided property, reaches to a conclusion that ½ share of the undivided property cannot be sold in auction, it shall be at liberty to sell the entire property. In such an eventuality, 50% of the sale proceeds shall be liable to be handed over to the petitioner herein.

Disposed of.

10.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No