

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

**CR-5177-2019 (O&M)
Date of decision : 22.03.2021**

Mahesh Batra and others

... Petitioner(s)

Versus

Naresh Batra and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. S.K.Aggarwal, Advocate
for petitioner Nos.1, 2, 3 and 5.

Mr. Sangram S. Saron, Advocate
for petitioner No.4.

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Ashu Gupta, Advocate and Ms. Mandeep Kaur, Advocate
for respondent Nos.1 to 7, 10 to 15.

Mr. Akshay Bhan, Senior Advocate with
Mr. Santosh K. Sharma, Advocate
for applicant-proposed respondents.

Mr. G.S.Kandhola, Advocate.

ALKA SARIN, J. (ORAL)

Taken up through physical hearing.

This is a civil revision petition under Article 227 of the Constitution of India impugning the order dated 29.05.2019 passed by the Additional Civil Judge (Junior Division), Chandigarh in Civil Suit No.3009 of 2018 whereby the application filed by the plaintiff-petitioners under Order 38 Rule 5 read with Section 151 of the Code of Civil Procedure, 1908 for attachment of the property of the defendant-respondents has been

dismissed. CM-720-2021 has been filed by the respondent Nos.1 to 7, 10 to 15 for recalling order dated 05.03.2020 passed by this Court.

The learned counsel for the parties are *ad idem* that instead of hearing the application for recalling order dated 05.03.2020 passed by this Court, the main case itself may be taken up and decided.

Dr. Anmol Rattan Sidhu, learned Senior Counsel assisted by Mr. Ashu Gupta, learned counsel appearing on behalf of the defendant-respondent Nos.1 to 7, 10 to 15 has stated that the properties sought to be attached are worth rupees one hundred crores and the suit itself is for recovery of rupees six crores along with the interest. The learned Senior Counsel has further fairly stated that he would have no objection making a statement to the effect that the defendant-respondent Nos.1 to 7, 10 to 15 would not encumber or alienate 1/4th share standing in the name of Naresh Batra HUF (respondent-defendant No.7) in SCO No.101-103, Sector 17-D, Chandigarh, which as on today, is lying encumbrance free, during the pendency of the suit.

Mr. S.K. Aggarwal, Advocate, learned counsel appearing on behalf of petitioner Nos.1 to 3 and 5, and Mr. Sangram S. Saron, Advocate, learned counsel appearing on behalf of petitioner No.4, state that they would be satisfied if the present civil revision is disposed off on the statement made by the learned Senior Counsel appearing on behalf of the defendant-respondent Nos.1 to 7, 10 to 15 that they would not encumber or alienate 1/4th share standing in the name of Naresh Batra HUF (respondent-defendant

No.7) in SCO No.101-103, Sector 17-D, Chandigarh during the pendency of the suit.

In view of the fair stand taken by learned counsel for the parties, the present civil revision petition is disposed off with a direction that during the pendency of the suit, the property standing in the name of Naresh Batra HUF (respondent-defendant No.7) i.e. 1/4th share in SCO No.101-103, Sector 17-D, Chandigarh, would neither be encumbered or alienated. As a corollary, the interim order dated 05.03.2020 stands merged with the final order being passed today.

The Trial Court is requested to dispose off the civil suit expeditiously and preferably within a period of one year from the date of receipt of the certified copy of this order.

The present civil revision petition stands disposed off in the above terms. All pending applications also stand disposed off.

22.03.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO