

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

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**CR-6296-2015 (O&M)
Date of decision: 15.09.2022**

SUBHASH CHAND

..Petitioner

Versus

DHARAM VEER AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bhupinder Singh Bairagi, Advocate,
for the petitioner.
Mr. Santlal Barwala, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

Admittedly, the Motor Accident Claims Tribunal, while awarding the compensation has held Sh. Jaipal to be liable. In execution of the award, the property of Sh. Des Raj (Jaipal's father) was ordered to be attached and was sold through court auction. Sh. Des Raj transferred the property after the attachment by the Executing Court. In the objection petition filed by the purchasers, the Executing Court has declared that the attachment of the property as well as its sale is void ab-initio.

This revision petition has been filed against the order passed by the Executing Court while allowing objections filed under Order XXI Rule 90 read with Section 47 CPC.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the petitioner admits that the property in question was never in the ownership of Sh. Jaipal, the judgment debtor. However, he contends that since the petitioner (auction purchaser) has purchased the property in a court auction, therefore, he has a superior

right.

The argument of the learned counsel is without any substance. Once neither there is decree or a judgment against Sh. Des Raj nor against the respondents, who are the subsequent purchasers, the order passed by the Court attaching their property was beyond the jurisdiction. At the most, the auction purchaser can be said to have derived his title from Sh. Jaipal, who was never the owner of the said property.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 15, 2022
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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>