

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

157

CR-6820-2018

Date of Decision: 27.05.2022.

Ram Singh and another

....Petitioners.

Versus

Surjit Singh and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioners.

Respondent No.1 proceeded against exparte
vide order dated 22.08.2019

Mr. S.S. Antal, Advocate
for respondent No.2.

Anil Kshetarpal, J. (Oral)

The decree holders pray for setting aside the order dated 11.07.2018 passed by the Executing Court, while allowing the objections filed by the subsequent purchaser. The decree holders filed a suit for recovery of money in January, 2011. The defendants are stated to have sold their property in favour of the objector during its pendency in February, 2011. The suit filed for recovery of the money was decreed on 12.08.2015. In execution petition, attachment order was issued. The respondents claiming to be bonafide purchasers filed objection petition, which has been allowed. From the reading of the order, it is evident that the Executing Court has not examined the question as to whether the transfer of the property during the pendency of the suit was in order to defeat the impending decree.

The Executing Court has held that the provisions of Section 52 of the Transfer Property Act, are not applicable.

After having heard learned counsel for the parties, this Court is of the considered opinion that the matter is required to be sent back to the Executing Court to frame an issue with regard to the aforesaid aspect and grant an opportunity to the parties to lead evidence and then proceed to decide the matter on the merits of the case.

Parties through their counsel are directed to appear before the Executing Court on 12.07.2022.

(ANIL KSHETARPAL)
JUDGE

27.05.2022.

komal

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