

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

**106**

**CR-7151 of 2018 (O&M)  
Date of decision: 23.12.2022**

**Chirag and another**

**..Petitioners**

**Versus**

**Kamla Devi and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Ravi Sharma, Advocate, for the petitioners.

Mr. Amarjit Beniwal, Advocate, for respondent no.1 to 3.

**ANIL KSHETARPAL, J(Oral)**

The prayer is to set aside the order dated 11.04.2018 and 08.08.2018. The Executing court has dismissed the petitioner's objection petition. Late Sh. Rajbir died in an automobile accident. Smt. Kamla Devi and her son filed a claim petition under Section 166 of the Motor Vehicles Act, 1988. Sh. Satish, son of Sh. Megh Raj, was driving Tata 407 bearing registration No.HR-39-2107 which caused the accident. The Motor Accidents Claims Tribunal (hereinafter referred to as 'the Tribunal') found that the vehicle was not insured. Hence, the judgment was passed ordering recovery of the amount, jointly and severally, from Sh. Satish and Sh. Megh Raj.

During the pendency of the claim petition, Sh. Satish has transferred the property in favour of his two minor sons. In the execution petition, when the property of Sh. Satish was sought to be attached, the petitioners filed an objection petition. The Executing Court dismissed the same after finding that the transfer of the property is in order to circumvent the judgment passed by the Tribunal.

Challenging the correctness of the aforesaid order, this revision petition has been filed.

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

The learned counsel representing the petitioners submits that the property is an ancestral property and therefore, it could not be utilized for satisfying the award of the Tribunal.

The Executing Court has found that the transfer is hit by the doctrine of lis pendens as provided under Section 52 of the Transfer of Property Act, 1882.

There is no material on the file to prove that the property was ancestral in nature. In any case, Sh. Satish shall still have a share even if the property is ancestral in nature. Hence, his extent of the share can always be attached.

Keeping in view the aforesaid facts, the revision petition is dismissed.

However, the petitioners may avail any other remedy in accordance with law.

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

**December 23, 2022**  
*nt*

**(ANIL KSHETARPAL)**  
**JUDGE**

*Whether speaking/reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*