

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 998 of 2022

Date of Decision: 22.03.2022

Gurmukh Singh

... Petitioner(s)

Versus

Rajwant Kaur and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gopal Sharma, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The trial Court, in a suit for recovery, has ordered the attachment of the property of the defendants as the Court was satisfied that the defendants are trying to transfer the property in order to defeat the execution of the decree. It has come on record that the defendant No.1 transferred his house in favour of his brother on 13.09.2018 and purchased another house in the name of his wife on 01.10.2018.

2. The purpose of Order XXXVIII Rule 5 CPC is to secure the interest of the plaintiff in the event of a decree being passed in his favour in a suit for recovery. The order of attachment of the property results in court having a charge on it. In the facts of the case, the trial Court has considered it appropriate to pass the order.

3. The learned counsel representing the petitioner contends that the plaintiff did not assert in his application under Order XXXVIII Rule 5

CPC that the defendants are disposing of the land in order to defeat the

execution of decree, which may be ultimately passed in the favour of the plaintiff.

3. On reading of para 2 of the application, it is evident that the plaintiff has specifically asserted that Gurmukh Singh along with his other partners is contemplating to sell his land. In such circumstances, the argument of the learned counsel representing the petitioner does not have any substance. Hence, no ground is made out to interfere. Consequently, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

March 22, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No