

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3089-2022
Decided on : 04.08.2022

Surinder Kumar Goyal

..... Petitioner

Versus

Anita Rani and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.V.S.Chugh, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 22.04.2022 (Annexure P-10) passed by Civil judge, Sr. Divn., Mansa in Execution Petition bearing No.EXE/74/2019 vide which Court has proceeded to reject the list of properties of judgment-debtor.

Learned counsel for the petitioner *inter alia* contends that the trial Court failed to consider the material aspects while passing the impugned order dated 22.04.2022. He submits that after the death of Milkhi Ram on 12.02.2003, the mutation of inheritance (Annexure P-6) of Milkhi Ram qua his properties in favour of the judgment-debtors/respondents had been sanctioned. However, during the pendency of civil suit, the judgment-debtor/respondents in order to thwart the claim of the petitioner transferred the said property in favour of Om Parkash vide sale deed No.1787 dated 25.06.2007. He further submits that the trial Court failed to appreciate that Om Parkash was the real brother of late Milkhi Ram and said transfer was obviously made with an ulterior motive to avoid any liability towards the

petitioner. Hence, the Court below erred in rejecting the list of properties filed by the petitioner for attachment before the Executing Court.

Heard learned counsel and perused the relevant material available on record.

Admittedly, the properties of the late Milkhi Ram stand transferred to Om Parkash vide sale deed No.1787 dated 25.06.2007 during the pendency of the civil suit. Said Om Parkash was not a party to the civil suit and thus, he being a stranger to the litigation, the Executing Court cannot be faulted with, for rejecting the list of properties filed by the petitioner-decree-holder. The Executing Court is not supposed to delve upon the question as to whether the sale deed is valid or not.

As a sequel to above, the instant petition being devoid of any merit, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

04.08.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No