

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

123

CR-3927-2022 (O&M)
Date of decision: 16.09.2022

PARMINDER SINGH

....Petitioner

Versus

AMARJIT KAUR AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunny K. Singla, Advocate
for the petitioner.

MANJARI NEHRU KAUL. J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India to impugn the orders dated 25.05.2022 (Annexure P-3) and 29.07.2022 (Annexure P-4) passed by Civil Judge (Junior Division) Malerkotla.

Learned counsel for the petitioner submits that the Executing Court failed to appreciate that market value of 01 bigha of land belonging to the petitioner was 15 lakhs and hence in the circumstances, 01 bigha of land would have been sufficient to satisfy the claim of the decree-holder. He vehemently argued that in the circumstances, the Executing Court clearly erred in ordering attachment and auction of the entire 40 bighas of land owned by the petitioner. Learned counsel submitted that the petitioner was ready and willing to satisfy the decretal amount in instrument, if some reasonable time could be given to him and further prayed that the interest part of the decree may be waived off as he is a poor farmer.

I have heard learned counsel for the petitioner and perused the relevant material on record.

A perusal of the order dated 25.05.2022 (Annexure P-3) passed by

the Court below reveals that the petitioner is not the owner of entire 40 bighas of land as claimed by him, rather he is just owner to the extent of 1/12th share of the said land, hence, the petitioner owns only approximately 3.33 bighas of land. It further flows from the impugned orders that only the petitioner's share to the extent of 1/12th share has been attached and not the entire joint land measuring 40 bighas.

In the above facts and circumstances, this Court does not find any force in the submissions made by learned counsel that the Executing Court had erred in ordering attachment and auction of 40 bighas of land. It would be relevant to point out here that the suit of the decree-holder was decreed on 17.02.2017, however, till date, he has not been able to enjoy the fruits of his decree. Hence, this Court would not be inclined to grant any concession as prayed for by the petitioner.

In view of the above, this Court does not concur with the submission of the learned counsel and the Court below has rightly noted that apparently the attached land would not be sufficient to satisfy the entire decretal amount.

Accordingly, the present petition is dismissed.

(MANJARI NEHRU KAUL)
JUDGE

September 16, 2022

S.Sharma(syr)

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