

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 5879 of 2019

Date of Decision: 22.03.2022

Piar Kaur and Another

... Petitioner(s)

Versus

Daljit Kaur and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner(s).

Mr. Vikrampreet Arora, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The respondent No.1, wife of Paramjit Singh, is the daughter-in-law of Smt. Piar Kaur (the petitioner No.1). In other words, Paramjit Singh (the respondent No.2) is the son of Smt. Piar Kaur. There is a decree in favour of the respondent No.1 for an amount of ₹ 42,000/- against the respondent No.2. In the execution of the aforesaid decree, the Court has permitted the respondent No.1 to purchase the property for ₹42,000/-.
2. The petitioners are the mother-in-law and sister-in-law of the respondent No.1. They claim that the house in question was owned by late Sh. Avtar Singh. It has been submitted that after the death of Sh.Avtar Singh, the property was inherited by his five Class-I legal heirs.
3. On 18.09.2019, the following order was passed:-

*“Learned counsel for the petitioners states that they are
ready to deposit an amount of Rs.60,000/- on behalf of*

Paramjit Singh, with the Registry of this Court, payable to respondent No.1 on her appearance, towards arrears of maintenance.

Notice of motion for 29.11.2019, subject to deposit of aforesaid amount before 30.09.2019.

In the event of doing so, till the next date of hearing, status quo regarding possession over the suit property be maintained”.

4. It is not disputed that the petitioners have already deposited ₹60,000/- with the Registry of this Court.

5. On 06.01.2020, the following order was passed:-

“Counsel for the respondents seeks time to show that the house in question was owned and possessed by the husband of the respondent and also that the petitioners are residing in a house different than the house which has been sold in auction for recovery of the maintenance amount due to the respondent.

Adjourned to 20.03.2020.

Interim order to continue till the next date of hearing”.

6. The learned counsel representing the respondent No.1 admits that there is no document to prove that the house in question was ever owned by her husband.

7. Keeping in view the aforesaid facts, the respondent No.1 is permitted to withdraw the amount of ₹60,000/-, deposited by the petitioners in this Court. The Registrar General of this Court is directed to remit the

determine as to whether the respondent No.2 (the husband of the respondent No.1) was ever the owner of the property in question or not. The Executing Court, after determining such question, will proceed in accordance with law.

8. With the observations made above, the present revision petition is disposed of.

(Anil Kshetarpal)
Judge

March 22, 2022
“DK”

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