

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6116 of 2019

Date of Decision: 24.05.2022

Parkash Singh

... Petitioner(s)

Versus

Balwinder Kaur

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

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

Mr. Hitesh Ghai, Advocate
for the respondent.

Anil Kshetarpal, J.

1. In execution of the impugned decree, the judgment debtor has filed the objections claiming that the house, in question, is his only residential house, therefore, he sought exemption from its attachment under Section 60(ccc) CPC added by the State of Punjab.

2. On a reading of the impugned order, it is evident that the Executing Court, rather than deciding the aforesaid objections, has ordered sale of the property by public auction. The objection has been brushed aside only on the ground that the judgment debtor did not raise any objection at the time of its attachment. Section 60 of the Code of Civil Procedure, 1908, deals with the attachment and sale of the property in execution of the decree.

3. In the considered view of this Bench, the Executing Court has taken a myopic view of the matter. The Presiding Judges are expected to be

considerate towards the underprivileged persons. The Court, at least, should

have inquired into the matter before passing an order which can have adverse consequences.

4. Keeping in view the aforesaid facts, the present revision petition is allowed and the order, under challenge, is set aside. The Executing Court is directed to decide the objection afresh.

(Anil Kshetarpal)
Judge

May 24, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No