

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 221 of 2022

Date of Decision: 08.12.2022

Ishwar Dass

... Petitioner(s)

Versus

Amar Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. K.B.Raheja, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. As per the office report, notice sent to the sole respondent has been received back as served through his wife.
2. The grievance of the petitioner is noticed in the order dated 31.08.2022, which reads as under:-

“While assailing the interlocutory order passed by the trial court, the plaintiff has filed the present revision petition. His suit for recovery of Rs.17,44,923.04 is pending before the trial court. The petitioner filed an application for impleading Om Parkash, brother of defendant Amar Singh, as defendant, on the ground that during the pendency of the suit, the defendant has transferred the property, in order to avoid execution of the decree.

Notice of motion for 19.10.2022.”

Heard the learned counsel representing the petitioner at length

and with his able assistance, perused the paper-book.

4. As already noticed, the trial Court has dismissed the petitioner's application to implead Sh.Om Parkash, brother of Sh.Amar Singh as a defendant. Though, the property has been transferred by Sh.Amar Singh in favour of Sh.Om Parkash during the pendency of the suit. The plaintiff's suit is for the recovery of ₹17,44,923.04. The trial Court has dismissed the application on the ground that the suit is only for the recovery of the amount and hence, it is not connected with the property. It is a well settled rule of law that if the transfer of the property by a party is made in order to defraud his creditors, the validity of such transfers can be looked into by the Court while passing the decree.

5. Keeping in view the aforesaid facts, this revision petition is allowed and the impugned order dated 22.10.2021 is set aside. The application filed by the petitioner to implead Sh. Om Parkash as a defendant, is hereby allowed.

(Anil Kshetarpal)
Judge

December 08, 2022
"DK"

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No