

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7516 of 2019(O&M)
Date of decision: 02.08.2022

Jagram

..Petitioner

Versus

Harchand

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aman Godara, Advocate, for
Mr. S.S.Dinarpur, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a decree holder. In a suit for specific performance of the agreement to sell, filed by the petitioner, the court has granted an alternative relief to the plaintiff while directing the defendant to refund the earnest money i.e. Rs.8,85,000/- along with interest @ 18%.

In an execution petition, the court has refused to attach the property which was agreed to be sold. The court has passed the order assuming that since the relief of specific performance has not been granted, therefore, the property cannot be attached.

For execution of the decree, the court is required to take steps for its enforcement. One of the mode of the recovery of the amount is to attach the property of the Judgment debtor.

Keeping in view the aforesaid fact, the order under challenge is set aside. The suit property of the Judgment Debtor is ordered to be attached.

Since the Judgement Debtor has sold the property during the pendency of the suit, therefore, the sale, if any, shall be governed by the

doctrine of lis pendens.

The revision petition is allowed.

All the pending miscellaneous applications, if any, are also disposed of.

August 02, 2022

(ANIL KSHETARPAL)
JUDGE

nt

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