

**112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-290-2016 (O&M)
Date of decision: 16.08.2023

Jasbir Kaur and another

..Petitioners

Versus

Pawan Kumar and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.P.Arora, Advocate for the petitioners

Mr. Aman Kumar, Advocate for
Mr. Sunil Kumar Nehra, Advocate for respondent no.1

Ms. Vibha Tewari, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

1. The petitioners before this Court are the claimants. In an execution petition, the Executing Court has passed an order directing auction of tractor, trolley and motorcycle of the judgment debtor while refusing to send him to civil prison.

2. Tractor, trolley and motorcycle have already been sold through court auction and the amount has been paid to the petitioners. On the direction of the Court, the Deputy Commissioner, Sirsa has filed affidavit explaining that the judgment debtor does not own any other property as his family is residing in a house constructed in an area measuring 28 feet x 35 feet, which belongs to Wakf Board. The judgment debtor is suffering from a serious ailment and his wife is taking tuitions to maintain the household and the family. The judgment debtor has filed an affidavit to this effect disclosing that from the date of

accident, he has not alienated any property in any manner.

3. Keeping in view the aforesaid facts, it will not be appropriate to send the judgment debtor to prison to suffer imprisonment.

Hence, the revision petition is dismissed.

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

16.08.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE