

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2023:PHHC:103302

CR-1422-2023

Date of decision: 09.08.2023

GURSAHIB SINGH (DECEASED) THROUGH LR ..Petitioner

Versus

PARDUMAN SINGH AND ANR ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Rahul Arora, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. In substance, the grievance of the petitioner is noticed in the order dated 20.03.2023, which is extrated as under:-

*“Learned counsel contends that plea of the petitioner - LR of the deceased/judgment-debtor that no property was inherited by him from his deceased father i.e. judgment-debtor and that the property inherited by him by way of Will from his great-grandfather was not ancestral property, was decided without framing any issue in respect thereto and giving opportunity to lead evidence in respect thereto, therefore, the impugned order rejecting the objections is legally unsustainable and liable to be set aside and the matter remanded to the Executing Court to decide the objections afresh by permitting the parties to lead evidence. In the circumstances, learned counsel relies upon the decision of this Court in **Laxmi (Smt.) vs. Smt. Lajwanti and Others, 2006 (1) PLJ 90.***

Notice of motion for final disposal for 17.04.2023.

Dasti also.

Status quo be maintained, in the meantime.

Copy of this order be sent to the respondents along with the notice.

To be shown in the list of urgent cases.”

2. In the execution petition filed by the respondent to execute a money decree against late Sh. Gursahib Singh. Smt. Rajveer Kaur and

Sh. Gurpiyas Singh, have been brought on record as the legal representatives of late Sh. Gursahib Singh-judgment debtor.

3. It is claimed by the petitioner Sh. Gurpiyas Singh that the property, which has been attached was never owned by late Sh. Gursahib Singh. He claims that the aforesaid property has been bequeathed by his great grand-father namely Sh. Jarnail Singh.

4. The learned counsel representing the parties have come to a consensus after arguing the case at length. They jointly pray for setting aside the order dated 31.01.2023, while requesting the Executing Court to pass fresh order after examining “whether the property in question was ever owned by late Sh. Gursahib Singh or not?”

5. Keeping in view the aforesaid facts, the impugned order is set aside.

6. Needless to observe that the Executing Court will pass the fresh order independently without being influenced by the impugned order, which was passed earlier.

7. The Executing Court is requested to pass a fresh order within a period of one month, from today.

8. Disposed of accordingly.

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

August 09th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*