

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCR- 6053 of 2023(O&M)
Date of Decision: 11.10.2023

Daljit Kaur & Anr.

...Petitioners

Versus

Gurdeep Singh & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sarju Puri, Advocate
For the petitioners.

KARAMJIT SINGH, J.

1. This civil revision petition has been filed by the petitioners/ JDs against the order dated 21.11.2022 (Annexure P-1) passed by the Court of Civil Judge (Jr.Divn.), S.B.S. Nagar whereby warrants of attachment of property of JDs have been issued in execution application No. 267 of 2019 titled Gurdeep Singh Vs. Daljeet Kaur.

2. The counsel for the petitioners while assailing the impugned order, *inter alia*, submits that respondent No.1 Gurdeep Singh filed suit for recovery of Rs.1,36,000/- against the petitioners and respondents No.2 and 3 on the ground that Satnam Singh husband of petitioner No.1 and father of petitioner No.2 and respondents No.2 borrowed Rs.1,00,000/- from respondent No.1 against pronote and receipt dated 24.05.2011. The said suit was contested by the petitioners but was decreed in favour of respondent No.1 and against the petitioners and other legal heirs of Satnam Singh but with rider that the recovery of the amount of pronote and receipt will be made from the properties inherited by the petitioners and other defendants

from deceased Satnam Singh. The counsel for the petitioners further submits that during the execution proceedings respondent No.1 produced *jamabandi* wherein petitioners were recorded as owners of certain land. However, the executing Court without ascertaining as to whether the land recorded in the said *jamabandi* was succeeded by the petitioners and other JDs from Satnam Singh, issued the warrants of attachment of said property in a mechanical manner and thus, the impugned order deserves to be set aside.

3. I have considered the submissions made by counsel for the petitioners.

4. From the perusal of judgment dated 30.11.2017(Annexure P-2) it is evident that the suit for recovery filed by respondent No.1 was decreed but with condition that the recovery of the amount of pronote and receipt is to be effected only from the properties inherited by the judgment debtors from deceased Satnam Singh. From the perusal of the impugned order (Annexure P-1) it is evident that the same has been passed in a mechanical manner by the Executing Court without satisfying itself that the property which is sought to be attached by respondent No.1 has been inherited by the petitioners from Satnam Singh. So, this Court is of the view that the impugned (Annexure P-1) is suffering from material irregularity and deserves to be set aside.

5. Consequently, without commenting on the merits of the case, the instant revision petition is allowed and the impugned order (Annexure P-1) is set aside and the Executing Court is hereby directed to recall the warrants of possession and should firstly satisfy itself that land which is sought to be attached by respondent No.1 for satisfaction of the money decree has been succeeded by the petitioners and other JDs from Satnam

Singh who has since died. The revision petition stands disposed of in aforesaid terms.

6. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

**(KARAMJIT SINGH)
JUDGE**

11.10.2023

Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No