

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

ESA-4 of 2023 (O&M)  
Date of Order: 24.07.2023

Jagdish Bansal .Appellant  
Versus

M/s Jagan Nath & Sons and others ..Respondents

ESA-5 of 2023 (O&M)

Jagdish Bansal .Appellant  
Versus

M/s N.C.Gupta & Sons and others ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anuj Kohli, Advocate,  
for the appellant.

ANIL KSHETARPAL, J

C.M.No.660 & 664-C-2023

1. For the reasons stated in these applications, which are supported by the affidavits, the delay of 97 and 96 days in filing the appeals is condoned.

MAIN

2. This order shall dispose of two connected appeals i.e. ESA 4 and 5 of 2023.

3. The appellant herein is a 3<sup>rd</sup> party objector. He claims to be transferee during the pendency of the suit for the recovery of the amount. It has come on record that in order to defeat the money decree which was expected to be passed, one brother transferred the property during the pendency of the suit in favour of another brother. In such circumstances,

both the courts have dismissed the objections filed by the brother of the Judgment Debtor.

4. The learned counsel representing the appellant submits that such objections should not be dismissed without framing distinct issues.

5. This court has considered the submission of the learned counsel representing the appellant.

6. It is not disputed by the learned counsel representing the appellant that the transfer of the property was made during the pendency of the previous suit for recovery, hence the same shall be governed by the rule of lis-pendens.

7. In view of the aforesaid facts, no ground to interfere is made out.

8. Dismissed.

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

July 24, 2023

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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned  
Whether reportable

:YES/NO  
:YES/NO