



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

EFA-1-2019 (O&M)

Date of decision: 19.07.2024

SURAT SINGH

..Appellant

Versus

M/S SHREE RAM TRANSPORT FINANCE COMPANY
LTD AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ram Bilas Gupta, Advocate
for the appellant.Mr. Mayank Sharma, Advocate
for respondent No.1.Mr. Tarun Yadav, Advocate
for respondent No.2Mr. Ashok Tyagi, Advocate
for respondent No.3.**ANIL KSHETARPAL, J(Oral)**

1. The correctness of the order passed by the Executing Court while dismissing the appellant's objection petition is assailed in this execution first appeal. There is an award passed by the arbitration tribunal for recovery of Rs.21,74,999/- along with the interest at the rate of 18% per annum in favour of respondent No.1-M/s Shree Ram Transport Finance Company Ltd. and against Sh. Kuldeep Singh and Krishan Lal. The execution petition for implementation of the aforesaid award, which is equivalent to a decree is pending. The appellant before this Court is Sh.

Kuldeep Singh's father. Sh. Kuldeep Singh is judgment debtor No.1. In



execution of the decree, a residential house of Sh. Kuldeep Singh is sought to be attached and sold. The appellant filed the objection petition claiming to be owner in possession of the property. The Executing Court sought report from the local revenue official. It was reported by the *Naib Tehsildar* that the property is in the name of judgment debtor No.1 Sh. Kuldeep Singh and not in the name of Sh. Surat Singh. The revenue official submitted its report after verifying the facts from the headman of the village. Hence, the objection petition was dismissed. The correctness of the aforesaid order is challenged in this appeal.

2. The learned counsel representing the appellant submits that the Court has failed to record any definite finding as to whether the residential house has been constructed in an area of 166 square yards or less. He submits that the appellant is residing in the same house.

3. Per contra, the learned counsel representing the decree holder submits that the property was hypothecated by Sh. Kuldeep Singh. The hypothecation was allowed only after verifying the ownership. He further submits that the appellant has not produced any material to *prima facie* prove his case.

4. This Court has considered the submissions of the learned counsel representing the parties.

5. It is evident that the appellant has failed to produce any substantive material, which may prove his ownership or possession. On a bare perusal of the report of the revenue official, which has been attached as Annexure A-4, it is clear that the property is in the name of Sh. Kuldeep Singh and is in his possession.

6. Keeping in view the aforesaid discussion, no ground to interfere is made out.
7. Dismissed accordingly.
8. All the pending miscellaneous applications, if any, are also disposed of.

July 19th, 2024

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No