

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

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2024:PHHC:021819

CR-4808-2022

Date of decision: 15.02.2024

RAVINDER PAL KAUR

..Petitioner

Versus

MANJIT KAUR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a judgment debtor in a suit for recovery of earnest money passed in a suit for specific performance of the agreement to sell. The petitioner herein claims to be purchaser of a part of the suit property from Sh. Baljeet Singh. In execution of the decree for recovery of the amount, the property purchased by the petitioner has already been attached.

2. On previous occasion, the Executing Court attached the personal property of the petitioner, which was subsequently ordered to be released by the Executing Court once this fact was brought to the notice. Now, the petitioner assails the correctness of the following order passed by the Executing Court on 16.09.2022:-

“Calculation sheet filed on 08.10.2021. As per same an amount of Rs.1,43,92,929/- along with interest is till recoverable. Let, conditional warrants of JDs be issued for 30.09.2022.”

3. The learned counsel representing the petitioner submits that the property purchased by the petitioner is already subject matter of attachment and she has no objection if the same is sold in execution of the decree.

However, he submits that the petitioner cannot be sent to civil imprisonment.

He submits that the liability of the petitioner is limited to the suit property and not beyond that.

4. It is evident from reading of the impugned order that the petitioner never filed any objection petition or brought these facts before the Executing Court. The Court has only issued conditional warrants in order to secure the presence of the petitioner and other judgment debtors.

5. Keeping in view the aforesaid facts, the revision petition is disposed of with liberty to the petitioner to file an application before the Executing Court bringing these facts to its notice. If such application is filed, the same shall be disposed of by the Executing Court within a period of one month from the date of its filing. It shall be the responsibility of the petitioner to personally appear before the Executing Court on the next date of hearing and file an undertaking that she will appear in the Court as and when directed by the Court. However, the petitioner shall not be sent to civil imprisonment until her objection petition, if any, filed, is decided.

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

February 15th, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No