

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

ESA No.3226 of 2018 (O&M)

Date of Order:30.01.2024

Banso (since deceased) through LRs**.Appellant****Versus****Janak Raj and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. Anil Chawla, Advocate
for the appellant.****Mr. Akhilesh Vyas, Advocate
for respondent no.2 and 3 (i) to 3(iv)****ANIL KSHETARPAL, J**

1. This is an execution second appeal filed by the objector to challenge the correctness of the dismissal of her objections by the Executing Court which in appeal has been affirmed by the first appellate court.

2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.

3. Smt. Asha Rani left behind Sh. Jagdish Chander(son), Smt. Banso (daughter) and Sh. Sita Rani (daughter-in-law of pre-deceased son Sh. Buta Singh) as Class-I heirs. During her life time, Smt. Asha Rani transferred the property in favour of her son sh. Jagdish Chander. A suit for recovery of Rs.40,000/- was filed against Sh. Jagdish Chander which was decreed on 02.03.1995. In the execution petition, the judgment debtor failed to pay the amount resulting in attachment of sale of his property. Smt. Banso (daughter of Smt. Asha Rani) filed an objection petition, which has been dismissed by both the courts below.

4. At this stage, the learned counsel representing the legal

representatives of Sh. Jagdish Chander submits that there is a settlement between the parties and the property has been taken in possession by the decree holder and he has transferred the same.

5. The learned counsel representing the appellant submits that he has no information about the aforesaid development, however, he has been requested to argue the appeal.

6. The learned counsel representing the appellant failed to draw the attention of the court to any substantive error in the impugned orders. On a court question, the learned counsel representing the appellant admits that Smt. Banso, has never challenged the transfer by Smt. Asha Rani in favour of Sh. Jagdish Chander.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed accordingly.

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

January 30, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO