



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

EFA-13-2019 (O&M)
Reserved on: 03.04.2025
Date of decision: 21.04.2025

RACHNA

..Appellants

Versus

PUNJAB STATE WAREHOUSING CORPORATION & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumeet Mahajan, Sr. Advocate
with Mr. Shrey Sachdeva, Advocate
for the appellant.

Mr. Vikas Singh, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.

I. Brief facts:-

1. The appellant assails the correctness of order dated 03.11.2018 passed by learned Executing Court while dismissing her objection petition against attachment of her share of the property.
2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
3. On 02.01.2014, the arbitrator's award was passed for recovery of Rs.10,46,65,376/- as on 31.01.2013 along with interest at the rate of 12% against M/s Hargovind Rice Mills, Sh. Gurdeep Singh Bedi and Sh. Manjit Singh Bedi. In execution petition, the property on which the rice mill has been constructed was attached on 18.10.2014 and 20.12.2014. The appellant



prayed for releasing her share of the property from attachment, which has been dismissed by the Court below.

II. Arguments addressed:-

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. The appellant claims that she has purchased the property measuring 4 kanals and 1 marla vide sale deed dated 30.03.2012 from Sh. Ravinder Singh son of Sh. Kanwar Singh and Sh. Ajay Bedi son of Sh. Jagjit Singh. Her vendors purchased the property vide sale deed dated 26.10.1993.

III. Analysis and Discussion:-

6. The Executing Court has dismissed the objection petition on the ground that the appellant is an ostensible owner because she is daughter of one of the judgment debtors namely Sh. Manjit Singh Bedi.

7. This Court is of the considered view that the Executing Court has erred in dismissing the objection petition only because the appellant is daughter of one of the judgment debtors.

8. On 18.03.2025, learned counsel for the parties were heard and the hearing was adjourned on the request of respondents counsel to verify whether 4 kanals one marla, property claimed by the appellant was ever in the ownership of the judgment debtors. He after verifying the facts, has admitted that 4 kanals and 1 marla purchased by the appellant was never owned by the judgment debtors.

IV. Decision:-

9. Keeping in view the aforesaid facts, the Executing Court is directed to release 4 kanals and 1 marla property, which is half share of property comprised in Rectangle No.257, Killa No.22/2 (0-2), 23/19,



Rectangle No.268, Killa No.2/2 (0-1), 3/1 (6-10), from attachment. However, it shall be open to the decree holder to pray for attachment, if subsequently, it is discovered that the property was under the ownership of the judgment debtors.

10. With these observations, the appeal is allowed.

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

21st April, 2025

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No