



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

EFA-4-2025 (O&M)

Date of decision : 21.05.2025

Balrajwinder Singh

...Appellant

Vs.

Jasbir Singh Kooner and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gulzar Mohammed, Advocate
for the appellant.

ANIL KSHETARPAL, J. (Oral)

1. It is proved on record that Judgment Debtor in order to defeat the rights of the claimants in an award, which was likely to be passed against respondents No. 2 and 3 in the claim petition transferred the property in favour of the appellant. Hence, the Court while applying Section 53 of the Transfer of Property Act, 1882 (hereinafter referred to as '1882 Act'), dismissed the objection petition filed by the objector.

2. Learned counsel representing the appellant submits that Section 52 of the 1882 Act will not be applicable because the property was not subject matter of the claim petition. The Executing Court has applied Section 53 of the 1882 Act and not Section 52 of the 1882 Act. It is provided in Section 53 of the 1882 Act that if the judgment debtor transfers his property in order to defeat the recovery rights of his creditor, then such transfer of the property will be ignored.



- 3. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 4. Hence, the appeal is dismissed.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

21.05.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No