

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

ESA No.28 of 2022(O&M)

Date of Order:30.04.2025

Deepak Kumar

.Appellant

Versus

M/s N.C.Gupta & sons and others

..Respondents

ESA No.29 of 2022(O&M)

Deepak Kumar

.Appellant

Versus

M/s Jagan Nath and sons and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

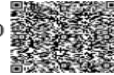
**Present: Mr. Nitin Jain, Advocate,
Mr. Jatin Bansal, Advocate
for the appellant (in both the appeals)**

**Mr. N.C.Kinra, Advocate
Mr. Harsh Kinra, Advocate
Ms. Apoorva Kinra, Advocate
for the respondents.**

ANIL KSHETARPAL, JUDGE (Oral)

1. With the consent of the learned counsel representing the parties,
ESA No.28 and 29 of 2022 shall stand disposed of by common order.

2. It has been correctly stated that troubles of the decree holder
begin after a decree is passed in his favour. The efforts are made by the
Judgment Debtor to defeat the execution of the decree by adopting all
possible dubious methods. In these two appeals, the decree for recovery of
Rs.11,97,100/- was passed in favour of M/s N.C.Gupta and sons, whereas in
favour of M/s Jagan Nath and sons, a decree was for recovery of



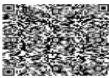
Rs.14,14,487/-. The decree was passed against M/s Amar Parkash Rice Exporters Pvt. Limited, Rupinder Pal Bansal son of Parkash Chand and Narinder Kumar son of Sham Lal. Sh. Deepak Bansal grand son of Parkash Chand filed an objection petition claiming that the property which has been attached in execution of the decree was bequeathed in his favour by late Sh. Parkash Chand, who died on 20.06.2010.

3. Both the courts have held that the Will did not saw the light of the day upto 2019, though Sh. Parkash Chand died on 20.06.2010. On the basis of an unregistered Will, mutation was got sanctioned in the year 2019, though the decrees for recovery of the amount were passed in the year 2018. Thus, the court has held that such Will has been propounded in order to defeat the rights of the creditors.

4. The learned counsel representing the appellant submits that opportunity has not been given to the appellant to lead the evidence. He submits that without granting a fair opportunity the objection could not be dismissed.

5. On a court question, the learned counsel representing the appellant admits that Mr. Deepak Bansal did not make any claims with respect to the property on the basis of Will from 2010 to 2019 for a period of long nine years. He woke up only when the decree for recovery of the amount was passed. To defeat the process of law, the Will has been fabricated.

6. Mr. Deepak's father was defendant in the suit. He never stated that there is a Will in favour of his son. Thus, the conclusion drawn by both the courts below require no interference.



- 7. Hence, both the appeals are dismissed.
- 8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

April 30, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No