



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ESA No.46 of 2017 (O&M)
Date of Order:14.02.2025

Harnek Singh (now deceased) through LRs Gurinderdeep Singh

.Appellant

Versus

Subash Chander and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. A.S.Dhindsa, Advocate
for the appellant.**

ANIL KSHETARPAL, JUDGE (Oral)

1. There were multiple decrees for recovery of amount against the same Judgment Debtor. The appellant herein is one of the decree holders. Before the appellant filed an application under Section 73 of the Code of Civil Procedure, 1908, claiming rateable distribution under Section 73, the property was auctioned. The Executing Court dismissed the application for rateable distribution on the ground that the application was required to be filed before the auction took place.

2. The learned counsel representing the appellant admits that the amount has already been paid to the holder of another decree.

3. Keeping in view the aforesaid facts, the appellant now wishes to recover the amount from respondent no.2. He may, if so advised, avail his remedy in accordance with law.

4. Disposed of accordingly.

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

(ANIL KSHETARPAL)
JUDGE

February 14, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No