



In the High Court of Punjab and Haryana, at Chandigarh

Execution Second Appeal No. 65 of 2017 (O&M)

Date of Decision: 30.01.2025

Gurinderjit Kaur

... Appellant(s)

Versus

Hindsons Pvt. Ltd. and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rubal Garg, Advocate
for the appellant(s).

Mr. Vikas Mohan Gupta, Advocate
for the respondents.

Anil Kshetarpal, J.

1. This execution second appeal has been filed by the third party objector against the concurrent findings of fact arrived at by both the Courts below while dismissing her objection petition.

2. There is a decree for recovery of ₹72,65,132.62 against the appellant's husband, namely Inderpal Singh Saini on 25.03.2014. The appellant (Gurinderjit Kaur wife of Inderpal Singh Saini) claims that the property i.e. Kothi No. 2, Malwa Colony, Behind New Moti Bagh Palace, Patiala, is her exclusive property because in the proceedings under Section 13-B of the Hindu Marriage Act, 1955 (divorce by mutual consent), the property came to her as permanent alimony. The suit for recovery was filed on 17.07.2002. Both the Courts below have held that such settlement has been made to defraud the creditor.

3. At the time of hearing, a Sikh gentleman contacted the appellant's counsel. When the Court inquired, the learned counsel disclosed

that he is Inderpal Singh Saini, the husband of the appellant. Thus, it is evident that the husband and wife are colluding to defraud the creditor/decreed holder.

4. The learned counsel representing the appellant has submitted that the decreed holder had assigned the debt in favour of Escorts Limited, Faridabad, by referring to the resolution dated 05.09.2019 which was passed in the Annual General Meeting. This aspect is not in issue in this appeal. This appeal has been filed only against the dismissal of the objection petition filed by the appellant.

5. Moreover, another attempt was made by the appellant by filing a suit for declaration on 30.09.2014 after the execution of decree against her husband was filed. Inderpal Singh Saini filed a written statement, but subsequently absented himself from the case resulting in *ex parte* decree. Thus, it is evident that the appellant is making a crude attempt to frustrate a decree passed by the competent Court of jurisdiction.

6. The learned counsel representing the appellant did press any other issue.

7. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed with the costs of ₹50,000/-.

(Anil Kshetarpal)
Judge

January 30, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No