

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

116

2025:PHHC:023521



**ESA-219-2018 (O&M)
Date of decision: 18.02.2025**

ASHOK KUMAR AND ANR

..Appellants

Versus

GEETA RANI

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Mittal, Advocate
for the appellants.

Mr. R.S. Budhwar, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The appellants before this Court are holders of a Civil Court decree for recovery of Rs.14,58,500/- along with interest at the rate of 6% against the following judgment debtors:-

*“1. Jaswinder Kaur
2. Kamal Kumar
3. Rohit @ Golu”*

2. The execution petition was filed for recovery of the aforesaid amount, in which the property in dispute was attached. Originally, the property belong to one of the judgment debtors namely Sh. Kamal Kumar. He transferred the property in favour of his brother Sh. Anil Kumar in the year 2005, whereas, the suit for recovery was filed in the year 2013. Subsequently, Sh. Anil Kumar transferred the property in favour of Smt. Geeta Rani, his wife, who filed objection petition in the Executing Court. The objections have been allowed by the Executing Court, which in turn has been affirmed by the First Appellate Court. The appellants claim that the property in dispute was transferred in order to defraud the appellants (decree



holders), which is seriously contested by the respondent. In the facts of this case, the Executing Court should have culled out the issues and permitted the parties to lead evidence, however, the objection petition filed by Smt. Geeta Rani has been allowed without granting opportunity to the decree holders to prove their case.

3. Hence, the appeal is allowed. The impugned orders are set aside while requesting the Executing Court to cull out the issues and permit the parties to lead evidence and thereafter, decide the matter afresh.

4. The parties through their learned counsel are directed to appear before the First Appellate Court on 10.03.2025.

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

February 18th, 2025

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*