
(1984) 02 P&H CK 0119

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 2158 of 1983

Piara Singh

APPELLANT

Vs

Badan Singh

RESPONDENT

Date of Decision: Feb. 21, 1984

Acts Referred:

Civil Procedure Code, 1908 (CPC) â€” Section 60

Citation: (1984) 02 P&H CK 0119

Hon'ble Judges: S.P. Goyal, J

Bench: Single Bench

Advocate: Brij Mohan Lal, for the Appellant;

Judgement

@JUDGMENTTAG-ORDER

S.P. Goyal, J.

This revision is directed against the order of the learned Subordinate Judge 1st Class, Kharar, dismissing objection petition

of the judgment-debtor against the attachment of the house in question. The plea taken was that the house under attachment being the only

residential house of the judgment debtor was exempt from attachment u/s 60 of the CPC The executing Court after recording evidence of the

parties dismissed the petition with the finding that the judgment-debtor was proved to own two houses. On the finding recorded, obviously the

petition could not be dismissed. The order of the learned Subordinate Judge, to say the least, betrays complete ignorance of the provisions of

Section 60 of the Code of t Civil Procedure. Even if the judgment debtor owns two houses, unless it was found that the house in question was not

in his occupation it could I not be attached and sold in execution of the decree. As no finding either way in this regard has been recorded, the

impugned order is set aside and the case is remanded to the Executing Court for disposal of the objection petition in the light of the above

observation. The respondent being unrepresented, I make no order as to costs. The petitioner is directed to appear before the Executing Court on

March 20, 1984.