

Balkaran Singh Vs. Amarjeet Kaur EXE-140-2018

Present: Sh. M.S.Mann, Adv. Counsel for the DH.
Sh. P.K.Nagpal, Adv. Counsel for the objector Nachhattar Singh.
JD exparte.

This order of mine shall dispose of objections filed by the objector/third party. Briefly, the objector has filed the objections on the ground that the applicant is owner in possession of the attached property alongwith the other properties many years ago and the suit property fell in the share of the objector as oral partition and the other property at village Deon Khera fell in the share of Amarjeet Kaur and this fact also concealed by the decree holder and Amarjeet Kaur from this Court just to grab the property of the applicant. The above said partition took place during the life time of deceased Harbans Singh but the same has not been implemented in the revenue record. The attached property cultivated by Nachhattar Singh since many years. Due to this, the said property, not attached be in the said execution. This fact came to the knowledge of the petitioners in the month of April when the petitioners visit the office of Patwari Halqa then the Patwari Halqa told about the above said fact. The revenue officials adopted all the proceedings regarding attachment by keeping the applicant is dark. The petitioners reserve his right to file a civil suit regarding ownership on the basis of oral partition. In the last, he prayed for allowing the objections.

On the other hand, decree-holder filed the reply of the said objection and contested the same on the ground that the the attached property/land is the ownership of JD/Amarjeet Kaur. The

Court has ordered that to attach the share of JD/Amarjeet Kaur and not attached the share of the Nachattar Singh. The present objections filed by Nachhattar Singh only to linger on the matter because he is brother of JD and they are in-connivance with each other filed the objections only to harass the decree-holder. Rest of the averments are denied to be wrong and incorrect. In the last, he prayed for dismissal of the application.

After going through the file and arguments advanced by learned counsel for the parties, it is observed that the objector/applicant has taken the plea that attached property fell into the share of the objector as per oral partition took place between him and JD. To prove his objection, the objector/applicant has not placed on record any kind of documentary evidence that any such alleged oral partition took place. Further, the objector has not proved on record any revenue record in his favour. As such, the objector/applicant has not proved her ownership regarding the attached property. As such, this plea is also not sustainable. From the above discussion of mine, the objections filed by the objector stands dismissed with no order as to costs. This order of mine shall have no bearing on the merits of the case.

**Pronounced:
04.03.2021
Monika**

**(Isha Goel), PCS,
Civil Judge (Jr. Divn.)
Malout, UID No. PB-0477**

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Vide my separate of even date, the said objection stand
dismissed, as detailed therein. Now, sale warrants be issued as per
following secluded:-

Notice: 22.03.2021

Munadi: 16.04.2021

Auction: 10.05.2021

Report: 31.05.2021.

PF etc be filed within three days.

Dated: 04.03.2021
Monika (Steno)

(Isha Goel)
CJ(JD)/JMIC, Malout
UID No.PB-0477