



IN THE COURT OF MS. GURPREET KAUR,
ADDL. CIVIL JUDGE (SENIOR DIVISION), GURUHARSAHAI.
(UID No. PB-0323)

Execution No. 182 of 04.08.2018
CIS No. Exe/109/2018
CNR No. PBFZD00003932018
Date of decision : 19.03.2019

M/S Ganesh Dass Des Raj Commission Agents, Guruharsahai,
through its Prop. Des Raj son of Ganesh Ram, resident of Dashmesh
Nagar, Railway Basti, Guruharsahai, District Ferozepur.

. . . Decree Holder

Versus

Kulwant Singh son of Issar Singh, resident of Village Marre Kalan,
Tehshi Guruharsahai, District Ferozepur.

. . . Judgment Debtor

Execution application.

Objection petition filed by JD Kulwant Singh.

Present: Shri RK Monga Advocate, counsel for DH,
Shri Sunil Kamboj Advocate, counsel for JD/Objector.

ORDER:

This order of mine shall dispose of objection petition
filed on behalf of JD/objector.

2. It is averred in the objection petition that the present

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execution application is not executable and the same suffers from material irregularities and illegalities. The land which is attached is not the agricultural land and there exists residential house over the same and as per law, residential house cannot be attached. Hence, it was prayed that the present objection petition be allowed and execution application in hand be dismissed.

3. Reply to the objection petition was filed by the DH Darshan Singh thereby denying the averments contained in the objections being wrong and incorrect and a prayer for dismissal of the same was made.

4. I have heard the learned counsel for the parties and have also gone through the record very minutely.

5. The main plea taken by the JD/Objector is the land attached is not an agricultural land, rather is a residential house and as such, the same can not be put to sale as per law. This fact has been clearly denied by the DH. In this regard, DH has placed on record copy of jamabandi for the year 2015-16, wherein the land in dispute is shown to be an agricultural land and source of irrigation is

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mentioned therein as Nehri (Canal). However, in rebuttal to the same, JD/Objector has not placed on record any proof/document showing the said land to be the residential one. It appears that the JD/Objector has filed the present objections just to delay the execution proceedings. Hence, the present objection petition is dismissed being devoid of any merits.

Pronounced in open court
Dated : 19.03.2019
Mukesh Kakkar
Stenographer Gr.II

(Gurpreet Kaur), PCS
Addl. Civil Judge, (Sr. Division)
Guruharsahai/(UID No. PB-0323)

*(Gurpreet Kaur),
Addl. Civil Judge (Sr. Divn),
Guruharsahai.*

Present: Shri RK Monga Advocate, counsel for DH,
Shri Sunil Kamboj Advocate, counsel for JD.

Arguments heard. Vide separate detailed order of even date, objection petition filed by the JD/objector has been dismissed. Sale warrants of the attached property of the JD be issued as per the following schedule, on filing of WF etc:

<u>At court door</u>	<u>At spot</u>	<u>Sale</u>	<u>Report.</u>
30.03.2019	10.04.2019	24.04.2018	01.05.2019

Pronounced in open court

Dated : 19.03.2019

Mukesh Kakkar
Stenographer Gr.II

(Gurpreet Kaur), PCS

Addl. Civil Judge, (Sr. Division)

Guruharsahai/(UID No. PB-0323)

(Gurpreet Kaur),
Addl. Civil Judge (Sr. Divn),
Guruharsahai.