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

**CR-1775-2025 (O&M)  
Decided on : 24.03.2025**

Hakam Singh

..... Petitioner

Versus

Karamjit Kaur and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

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Present : Mr. Ravi Gakhar, Advocate  
for the petitioner.

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**VIKRAM AGGARWAL, J (ORAL)**

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 07.10.2024 (Annexure P-1) and order dated 12.12.2023 (Annexure P-4), passed by the Family Court, Fatehgarh Sahib.

2. The facts, as emanating from the paper book, are that the petitioner Hakam Singh is the brother of Sukhwinder Singh-respondent No.4. Sukhwinder Singh was married to Karamjit Kaur-respondent No.1. Respondents No.2 and 3 namely Jasleen Kaur and Ishwarleen Kaur are the minor daughters of Sukhwinder Singh and Karamjit Kaur. Respondent No.4 instituted a petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'HMA') for the grant of a decree of divorce. An application under Section 24 of the HMA was preferred by respondent No.1 which was allowed on 20.05.2019. A sum of Rs.7,000/- per month was granted as maintenance pendente lite from the date of the application i.e. 02.03.2017 alongwith litigation expenses of Rs.5,000/-. Execution Application

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(Annexure P-2) was filed by respondent No.1 alongwith an application for attachment and sale of land of respondent No.4 (Annexure P-3). It was averred in the application (Annexure P-3) that the land in question had been transferred by respondent No.4 in favour of his brother Hakam Singh (petitioner herein). The said application was allowed vide order dated 12.12.2023 (Annexure P-4). Subsequently, objections to the execution application were filed by Hakam Singh on the same ground that the land in question had been alienated to him by respondent No.4 vide registered sale deed dated 11.10.2019 for a total sale consideration of Rs.6,64,500/-. The stand taken was that he was a bonafide purchaser of the land in question for a valuable consideration and without notice of any litigation between the two sides.

3. The objections were opposed by way of a reply (Annexure P-9). Vide the impugned order dated 07.10.2024, the objections were dismissed leading to the filing of the present revision petition.

4. I have heard learned counsel for the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is a bonafide purchaser of the land in question for consideration and without any notice of the litigation between the parties or the maintenance order dated 20.05.2019 having been passed. He submits that the petitioner had duly checked the revenue record but there was no entry of any stay or any attachment in the same as a result of which he purchased the said land. Learned counsel submits that even in the criminal case, the petitioner has been acquitted as the revision petition preferred by the petitioner alongwith other persons challenging his summoning under Section 319 Cr.P.C. was allowed vide order dated 12.10.2021 (Annexure P-6). Respondent No.4 Sukhwinder Singh was also acquitted of the

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charges framed against him under Sections 406, 498-A IPC vide judgment dated 17.11.2023.

6. I have considered the submissions made by the learned counsel for the petitioner but find the same to be devoid of merit. The order of maintenance pendente lite, was passed on 20.05.2019. The land was alienated to the petitioner vide registered sale deed dated 11.10.2019 (Annexure P-5). On the face of it, the said alienation was to avoid any financial liability. This very stand was taken by respondent No.4 when an execution application was filed by respondent No.1. However, the contention was rejected vide order dated 12.12.2023 after which the petitioner Hakam Singh filed his separate objections albeit on the same ground. The learned Executing Court/Family Court rightly rejected the said objections holding as under:-

*“Karamjit Kaur and others had filed the present execution to execute the order dated 20.5.2019 passed by the court regarding maintenance. There is no order of the court, which can prove the abovesaid order had been set aside or stayed by any court. So, petitioners had filed the execution to execute the lawful order. Learned counsel for the objector stated that they have purchased the property for a valuable consideration, without notice and after seeing the revenue record and they have also taken the loan from the bank, so their objections be allowed. But it is clear that the maintenance order was passed on 20.05.2019 whereas the property was transferred on 11.10.2019. So, property was transferred on 11.10.2019 after passing of the maintenance order. Secondly, learned counsel for the objector stated that they have purchased the property for valuable consideration after seeing the revenue record, but it is clear that petitioner had specifically stated that the property is a mere paper transaction between two brothers and property was transferred in favour of objector just to defeat the legal right of the*



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*decree holders. So it is clear that when the maintenance order was passed, then Sukhwinder Singh transferred the property in favour of his brother and earlier Sukhwinder Singh filed the objections and the same were dismissed by my learned predecessor vide order dated 12.12.2023 and now his real brother had filed the present objections. It appears that present objections have been filed just to defeat the legal right of the decree holders/petitioners, who wants to recover the maintenance allowance. So all these facts proves that application and objections are without merit and the same is hereby dismissed.”*

7. The revision petition filed by the petitioner against the summoning order under Section 319 Cr.P.C. having been allowed or respondent No.4 having been acquitted would not come to the aid of the petitioner, for, the order dated 20.05.2019 was never set aside and was executable once the maintenance had been assessed. The initial stand taken by respondent No.4 and the present objections which have been dismissed by way of the impugned order were both aimed at avoiding the execution proceedings and the payment of the maintenance amount to respondent No.1. No one can be permitted to hoodwink the process of law by resorting to clever tactics. The impugned orders are, therefore, found to have been passed strictly in accordance with law warranting no interference by this Court.

In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed.

24.03.2025  
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(VIKRAM AGGARWAL)  
JUDGE

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No