



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

138

CR-4023-2022

Date of decision: 01.05.2025

KESARI DEVI (DECEASED) THROUGH LRS. ..Petitioner

Versus

M/S JAGAN NATH AND OTHERS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ishan Gupta, Advocate for the petitioner.

Mr. N.C. Kinra, Advocate

Mr. Harsh Kinra, Advocate for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. On 30.04.2025, two connected execution second appeals were dismissed, however, this revision petition was adjourned to today.
2. Once again, learned counsel for the parties have been heard at length.
3. In the present revision petition, the petitioners are wife and son of judgment debtor No.4. They pray for setting aside the Executing Court's order passed on 09.12.2021 while dismissing the objection petition filed by late Smt. Kesari Devi.
4. In a civil suit for recovery filed against a private limited company and its Directors, the Court passed the following decree:-

“18. In view of my findings on the aforesaid issues, suit of the plaintiff stands decreed with proportionate costs for recovery of Rs.14,14,487/- against defendant no.1 firm through defendants no.2 and 4 being its Directors jointly and severally alongwith interest at the rate of 12% per annum from the date of purchase of paddy by defendant company from the plaintiff firm till the filing of suit. The plaintiff is also held entitled to pendente lite interest at the rate of 9% per annum from the date of filing of suit till the decree of suit and future interest at the rate of 6% per annum from the date of decree till its final realization. Decree sheet be prepared and filed be consigned to the record room.”



5. This decree became final. Smt. Kesari Devi filed the objection petition claiming that she transferred the property in favour of her son Sh. Narinder Kumar but subsequently she filed a petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short '2007 Act') challenging the transfer, which has been allowed.

6. Learned counsel for the petitioner further submits that there is no decree against defendant No.4.

7. This Court has considered the submissions of learned counsel for the petitioner.

8. It has been found by the Executing Court that petition under Section 23 of the '2007 Act' was filed after the decree for recovery of amount passed by the trial Court, hence, the Court held that such petition was filed to defeat the execution of the decree, hence, void in view of Section 53A of the Transfer of Property Act, 1882.

9. With regard to second submission, it may be noted that there is a specific decree passed by the trial Court to recover the amount not only from the company but also from the Directors individually. There is a specific direction that Directors shall be jointly and severally liable.

10. It is also evident that most of the directors of the company were closely related to each other and the Court is entitled to lift the corporate veil.

11. With these observations, the present petition is disposed of.

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

May 01st, 2025

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*

(ANIL KSHETARPAL)
JUDGE