



CR-6313-2025 (O&amp;M)

-1-

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

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**CR-6313-2025 (O&M)  
Decided on :- 10.09.2025**

Rama Kant Jha and Others

...Petitioners

VERSUS

Hero Cycle Ltd. and Another

...Respondents

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. A.D.S.Sukhija, Advocate for the petitioners.

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**MANDEEP PANNU J.**

1. The present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 31.07.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, whereby the application filed by the plaintiff/respondent has been allowed and the petitioners/defendants have been directed to disclose their assets on oath by way of affidavit.

**Brief Facts**

2. The plaintiff–Hero Cycles Ltd. instituted a civil suit for recovery of ₹9,37,23,135/- against the petitioners. In the said suit, an application under Order 38 Rule 5 CPC for attachment before judgment of certain properties belonging to the defendants was also filed. During the pendency of that application, the plaintiff moved another application seeking a direction that the defendants be ordered to disclose their movable and immovable assets on oath, and that intimation be sent to the revenue authorities, the Municipal Corporation, and the Sub-Registrar concerned for recording an entry in their registers that any alienation of such property shall be subject to the outcome of the suit.

3. The petitioners opposed the application, *inter alia*, on the ground that it was not maintainable, as an earlier application under Order 38 Rule 5 CPC for



attachment before judgment was already pending and that the properties sought to be attached were purchased much prior to the alleged transactions in question. Also some of the properties did not even belong to the defendants and that there was no provision of law empowering the trial court to direct disclosure of assets on oath.

4. The learned trial Court, however, allowed the application, directing the defendants to file on affidavit a disclosure of all their assets, movable and immovable, whether in their own name or in the name of any other person on their behalf, to the extent of the liability claimed in the suit, within 15 days. The trial court relied upon “Punjab and Haryana High Court Rules and Orders, Volume I, Part L, Chapter 1 (as amended),” holding that the said rules specially empower the Court, in money suits and before settlement of issues, to require the defendant to disclose his assets on oath to the extent of the liability claimed in the suit. The Rules further empower the Court to direct the Revenue Municipal Authorities or the Registrar under the Registration Act to make entries in their records that any alienation of such property shall be subject to the decision of the pending suit.

5. I have heard learned counsel for the petitioners and have gone through the record.

6. On perusal of the record, it is clear that the plaintiff instituted a suit for recovery of ₹9,37,23,135/- and simultaneously filed an application under Order 38 Rule 5 CPC seeking attachment before judgment of the defendants’ properties. During pendency of the said application, another application was filed seeking directions to the defendants to disclose their assets on oath. The learned trial Court allowed this subsequent application while relying upon “Punjab and Haryana High Court Rules and Orders, Volume I, Part L, Chapter 1, Rule 6,” holding that the Court has been specially empowered to direct disclosure of assets.



7. A closer scrutiny of the relevant Rules, however, reveals otherwise. Rule 2 of the said Chapter specifically deals with attachment or arrest before judgment and cautions that such orders ought not to be made on insufficient grounds. It reiterates that the circumstances justifying such orders are distinctly provided in Order 38 CPC and the Court must be satisfied that the defendant is about to dispose of or remove his property, or is about to leave the jurisdiction of the Court.

8. Rule 6, which was inserted by notification dated 21.11.2022, provides as under:

*“Ensuring satisfaction of decree* – In suit for payment of money, the Court may in appropriate cases at any stage of the suit demand security from the defendant to ensure satisfaction of decree exercising the powers under Section 151 CPC.”

9. A bare reading of Rule 6 makes it evident that the Court may, in appropriate cases, demand security from the defendant to ensure satisfaction of decree. It nowhere contemplates or authorises the Court to compel the defendant to file an affidavit disclosing on oath the entirety of his movable and immovable assets. The impugned order, therefore, travels far beyond the scope of Rule 6.

10. It is further pertinent that the plaintiff had already moved an application under Order 38 Rule 5 CPC for attachment before judgment, in which details of four immovable properties and certain bank accounts were specifically furnished. While such an application was pending adjudication, the plaintiff filed the present application for disclosure of assets. On the one hand, the plaintiff himself asserts knowledge of the assets of the defendants, and on the other hand, seeks a direction that the defendants disclose all assets on oath. This contradictory stand undermines the maintainability of the application.



**CR-6313-2025 (O&M)**

-4-

11 The learned trial Court has, instead of adjudicating the application under Order 38 Rule 5 CPC and recording satisfaction in terms thereof, proceeded to pass a novel direction compelling disclosure of assets. Such an order has no sanction in the Code of Civil Procedure, nor in the Rules and Orders relied upon.

**Conclusion**

12. In view of the above discussion, this Court is of the considered opinion that the impugned order dated 31.07.2025 is legally unsustainable. The power of the Court under Order Rule 6 of the Punjab and Haryana High Court Rules is limited to demanding security in appropriate cases to safeguard satisfaction of a possible decree. It does not extend to compelling a defendant to disclose his assets on oath. Merely because the amount claimed in the suit is exorbitant or there exists a general apprehension of alienation, cannot justify passing such directions without the statutory foundation.

13. Accordingly, the impugned order dated 31.07.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, is hereby set aside. The learned trial Court shall, however, remain at liberty to decide the pending application under Order 38 Rule 5 CPC and any application under Order 39 Rule 1 and 2 CPC, strictly in accordance with law and upon satisfaction of the statutory requirements.

14. The civil revision petition is allowed.

15. Pending application(s), if any, also stand disposed of.

September 10, 2025  
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**(MANDEEP PANNU)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No