



**EFA-8-2014(O&M)
and other connected case**

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

1. EFA-8-2014(O&M)

Jai Devi and others

..Appellants

Versus

Punjab State Warehousing Corporation Limited and others

..Respondents

2. EFA-9-2014(O&M)

Satish Kumar and others

..Appellants

Versus

Punjab State Warehousing Corporation Limited and others

..Respondents

Date of decision: 17.02.2025

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sarju Puri, Advocate for the appellants

Mr. Vikas Singh, Advocate for respondents no.1 and 2

ANIL KSHETARPAL, J. (Oral)

1. With the consent of the learned counsel representing the parties, two connected Execution First Appeals shall stand disposed of by this common order.

2. In both the appeals, the appellants (third party objectors) pray for setting aside impugned order passed by the Additional District Judge, while dismissing their respective objection petitions.



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3. In order to comprehend the issues involved in the present case, some relevant facts, in brief, are required to be noticed.

4. An Arbitral Tribunal passed an award on 01.03.2004 in favour of the respondents and against the following persons:-

- “1. M/s Dehra Brothers, Bhogla Road, Rajpura Town, through its partners;*
- 2. Sh.Ashok Kumar son of Sh.Kanahya Lal, Plot No.9, Block 9B, Rajpura Town.*
- 3. Sh.Suresh Kumar son of Sh.Kanahya Lal, Plot No.11, Block No.9-B, Rajpura Town.*
- 4. Subhash Chander son of Kanahya Lal, Plot No.6, Block No.9-B, Rajpura Town.*
- 5. Vishal Kumar son of Jai Dev, Plot No.20, Block 9-B, Rajpura Town.”*

5. The appellants in EFA-8-2014 submits that they were not partners in partnership firm M/s Dehra Brothers. Hence, they are not the judgment debtors. The appellants in EFA-9-2014 claim ownership of a portion of the property being purchasers from Jaidev and Satish Kumar sons of Kanahya Lal. The Executing Court has dismissed the objection petitions on the ground that the objections have been filed in order to delay the sale of the property and another objection petition filed by Om Parkash, who entered into an agreement with Satish and Jaidev has already been dismissed on 21.07.2014.

6. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

7. From perusal of the arbitral award, it is evident that in both the appeals, the appellants are not the judgment debtors. Their share in undivided property cannot be sold in execution of arbitral award, which is for recovery of the amount. The Executing Court has not examined the



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entire controversy in proper perspective. The decree-holder may be entitled to recover the amount by selling undivided share of the judgment debtors which includes Ashok Kumar, Suresh Kumar, Subhash Chand sons of Kanahya Lal and Vishal Kumar son of Jai Dev son of Kanahya Lal. However, the share of Jaidev, Satish, Sudesh Joshi and Tarsem Joshi could only be sold if there was any decree against them or the transfer in their favour was to avoid execution of the decree.

8. Keeping in view the facts, the impugned order passed by the Executing Court is set aside, with a request to decide afresh after considering all aspects of the matter. The parties through their learned counsels are directed to appear before the Executing Court on 12.03.2025.

9. Both the appeals stand allowed.

10. Needless to observe that the rights of all the objectors, who have purchased the property from Satish Kumar, shall be adjudicated.

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

**(ANIL KSHETARPAL)
JUDGE**

17.02.2025

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No