

2025:PHHC:034480



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

**209**

**CR-2403-2024 (O&M)**

**Date of Decision : 11.03.2025**

SUMAN BATRA AND ANR

.... Petitioners

VERSUS

SUNNY SINGH CLARK AND ANR

.... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Vikas Arora, Advocate for the petitioners.

Mr. Prateek Mahajan, Advocate for the respondents.

**ALKA SARIN, J. (ORAL)**

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 22.02.2024 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Kharar whereby the application filed for recalling the attachment order dated 22.08.2019 was dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondents herein filed a suit for declaration to the effect that they are exclusive owners in possession of all the properties listed in the suit left behind by late Sh. Jimmy Varjendra. During the pendency of the suit, an application was filed by the plaintiff-respondents for directing the defendant-petitioners herein to disclose the amount of rent and number of tenants from whom the rent was being received and the particulars of the properties qua which the rent had been received. Reply was filed to the said application. The said

application was allowed vide order dated 22.08.2019 (Annexure P-11) and the defendant-petitioners were directed to deposit the rent collected from the tenants in the Court till the final decision of the case. Aggrieved by the same, revision petition being CR-6369-2021 was filed which was disposed off by this Court vide order dated 02.12.2021 observing as under :

*'Petition herein, inter alia, is for setting aside the impugned order dated 22.08.2021 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Kharar, whereby an application of the respondent/plaintiffs for deposit of rent in the Court was allowed.*

*2. After addressing the arguments for some time, learned counsels are ad idem that subject to providing the list of tenants, as well as, the details of the amount of the rent being received from the said tenants, as directed vide order dated 22.08.2021 (Annexure P-1), the trial Court would be at liberty to take a fresh look qua the attachment of rent being received from the tenants, provided an application is filed for recalling of the attachment order.*

*3. In the aforesaid premise, order dated 22.08.2021 (Annexure P-1) which is under challenge in the revision petition, is modified to the extent that subject to an application being filed, after compliance of the rest of directions given by the trial Court, the same shall be*

*disposed of by passing fresh order qua attachment of the rent.*

*4. Disposed of, accordingly.*

*5. Pending applications, if any, shall also stand disposed of.'*

3. The defendant-petitioners herein filed an application for recalling the order dated 21.08.2019 on 25.03.2022. Along with the said application, list of tenants and the rent being received from them was also appended. Reply was filed to the said application. Vide the impugned order dated 22.02.2024 the application was dismissed. Hence, the present revision petition by the defendant-petitioners.

4. Notice of motion was issued on 09.05.2024. On 07.11.2024 learned counsel for the defendant-petitioners had sought time to get his instructions as to the nature of the security that the defendant-petitioners are willing to furnish in order to secure the amount being received as rent. Till date learned counsel for the defendant-petitioners has not informed the Court as to the nature of the security the defendant-petitioners are willing to furnish.

5. Learned counsel for the defendant-petitioners would contend that the plaintiff-respondents are the children of the divorced wife and they have no right in the properties. Further, learned counsel for the defendant-petitioners would contend that vide Will dated 14.02.2009 the properties have been divided.

6. *Per contra*, learned counsel for the plaintiff-respondents has contended that after the order dated 02.12.2021 passed by this Court in CR-

6369-2021 though an application for recall was filed, however, the same did not state the reason as to why the attachment order should be recalled. It simply stated that the High Court vide order dated 02.12.2021 had disposed off the revision petition giving liberty to the petitioners therein for filing an application for recalling of the attachment order and if such an application was filed, it was directed that a fresh look would be taken at the attachment order. Learned counsel would further contend that along with the application list of tenants along with the rent being received from them was also appended.

7. Today learned counsel for the defendant-petitioners would contend that out of total 13 properties, 7 are in a dilapidated state and are vacant and no rent is being received from them and only an amount of ₹20,000 (rupees twenty thousand) is being received as rent from the remaining properties.

8. Heard.

9. In the present case vide order dated 22.08.2019 the Trial Court had directed the defendant-petitioners herein to disclose the particulars of the tenants along with the amount of rent and particulars of the properties regarding which they are receiving rent and further directed them to deposit the rent collected from the tenants in Court till the final decision of the case. Aggrieved by the same, the defendant-petitioners had approached this Court by filing a revision petition being CR-6369-2021 which was disposed off by this Court vide order dated 02.12.2021 giving liberty to the petitioners therein to file an application for recalling the attachment order and in case such an

application was filed, the Trial Court was directed to take a fresh look at the attachment order.

10. The application filed by the defendant-petitioners (Annexure P-13) on 25.03.2022 for recalling the attachment order is totally bereft as to on what grounds the order dated 22.08.2019 should be recalled. It had only been stated in the application that the order dated 22.08.2019 had been challenged before this Court and this Court had disposed off the said revision petition vide order dated 02.12.2021 giving liberty to the petitioners therein to move an application for recalling of attachment order and the Trial Court was directed to take a fresh look at the attachment order in case such an application was filed. There is not a whisper as to why the attachment order dated 22.08.2019 was not sustainable in law or as to why the said order should be recalled. The Trial Court after considering the application and the reply as well as the order passed by this Court in CR-6369-2021 had dismissed the application stating that there was no reason to recall and pass a fresh order.

11. Learned counsel for the defendant-petitioners is not able to point any reason stated in the application (Annexure P-13) as to why the order dated 22.08.2019 should be recalled. Even in the present revision petition there is no reason forthcoming for recalling the order except for the contention that this Court vide order dated 02.12.2021 passed in CR-6369-2021 had given liberty to the Trial Court to revisit the order.

12. In the absence of any cogent reason forthcoming for recalling the order, this Court does not find any merit in the present revision petition and the same is accordingly dismissed.

13. Needless to say that the defendant-petitioners would always be at liberty to bring any subsequent events to the notice of the Court concerned.

14. Pending applications, if any, also stand disposed off.

**11.03.2025**

*Aman Jain*

**(ALKA SARIN)**

**JUDGE**

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