

(2012) 04 RAJ CK 0056
In the Rajasthan High Court
Case No : Civil Writ Petition No. 14867 of 2011

Balluram Sharma

APPELLANT

Vs

District Collector (Recovery), Jaipur and Others

RESPONDENT

Date of Decision : 09-04-2012

Acts Referred:

Citation : (2012) 2 WLN 561

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Peush Nag, for the Appellant;

Final Decision : Dismissed

Judgement

Alok Sharma, J.—The petitioner is aggrieved by the attachment and proclamation of sale in respect of his khatedari land falling in khasra No. 2377 in village Bhankrota Kala Patwar Halka Bhankrota for the recovery of amount due against his son Rajesh Kumar Sharma pursuant to an award passed by the MACT, Gurgaon against his son. Counsel for the petitioner submits that the recovery of the amount in pursuance to the order of the MACT, Gurgaon pertaining to an award of Rs. 1,15,589/- by the said Tribunal, can only be made against Rajesh Kumar Sharma who was the party to the proceedings under the Motor Vehicle Act before the MACT, Gurgaon. It is submitted that Rajesh Kumar Sharma has no right or interest in khasra Nos. 2377, 2378 and 2385 which are in the joint khatedari of the petitioner along with his brother. It is submitted that the property in issue is a self-acquired property and is not a coparcenary property in which Rajesh Kumar Sharma has any share in law and consequently the proceedings for attachment or sale of property in issue under the order of the SIX), Jaipur are absolutely illegal and without jurisdiction.

2. On a query by the Court as to whether any objections have been filed by the petitioner with regard to the impugned proceedings before the executing Court or the SDO, Jaipur, the counsel stated that the petitioner would now take his

proceedings before the executing Court i.e. the District Judge, Jaipur where the proceedings for execution of the award by the MACT, Gurgaon were transferred vide order dt. 18.11.2010 passed by the Additional District Judge, Gurgaon and also make a representation to the SDO, Jaipur in this regard.

3. In view of the submissions raised by the counsel for the petitioner, this petition is dismissed as withdrawn with liberty to the petitioner to take his proceedings as available in law. Stay application is accordingly dismissed.