

PART J.—OBJECTIONS TO ATTACHMENT.

1. Objections to attachment of property under Order XXI, rule 58, are frequently responsible for great delay in the disposal of execution cases. Such objections are at times collusive and should be scrutinised with care and disposed of promptly. Investigation of such objections is of a summary character, and should be confined to the points indicated in Rules 59 to 61 of Order XXI. The decision, though not appealable, is subject to the result of a regular suit (if any) brought by the aggrieved party within a year.

Summary
Procedure.

2. It should be noted that if an objection appears to have been "designedly or unnecessarily delayed", the Court has power to refuse to investigate the claim and dismiss the petition and leave the petitioner to institute a suit for the purpose.

Power to dismiss
objection out trial.

The amendment of Rule 58 of Order XXI, Civil Procedure Code by the Punjab High Court further provides that unless an objection is made within a reasonable time of the first attachment a further right to object to the attachment and sale of the same property can be allowed only if a title acquired subsequent to the date of the first attachment, is established.

3. Order XXI, Rule 58, deals with claims by third persons. Objections by parties to execution proceedings as such or their representatives fall within the scope of Section 47 of the Code. Such objections must be decided in the execution proceedings, as a regular suit for the purpose is barred by the provisions of Section 47.

Objections by
parties.