

**In the High Court of Punjab and Haryana at Chandigarh**

CR No.1468 of 2015

Date of decision: 02.03.2015

Jarnail Singh and others

.....Petitioners

Versus

Amrik Singh and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr.Sunil Chadha,Senior Advocate with  
Mr.Vaibhav Narang,Advocate  
for the petitioners.

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SABINA, J

Petitioners have filed this petition challenging the order dated 08.1.2015 (Annexure P8) whereby objections filed by the petitioners and proforma respondents in execution petition, were dismissed.

Learned senior counsel for the petitioners has submitted that the trial Court has erred in dismissing the objection petition filed by the petitioners as decree against the dead person was a nullity. In fact, Gopal Kaur had died on 13.11.2002 wherein decree was passed on 29.10.2003.

Plaintiffs had filed a suit for possession of land measuring 88 kanals 15 marlas by way of redemption. The suit filed by the plaintiffs was dismissed by the trial Court. However, in appeal, the suit filed by the plaintiffs was decreed and, admittedly, the said

decision has been upheld upto the Apex Court. The decree holders filed execution petition. During the pendency of the execution proceedings, petitioners filed objection petition seeking dismissal of the execution application on the ground that Gopal Kaur, one of the judgment debtors, had already died on 13.11.2002 and her legal heirs had not been brought on record before the passing of the decree. The trial Court, while dismissing the application, has held that all the legal heirs of Gopal Kaur were already on record. Therefore, it could not be said that the judgment debtors had suffered any prejudice. The main suit for redemption was decided on 30.10.1998 and at that time, Gopal Kaur filed the appeal and the same was decided on 10.3.2003 vide which the preliminary decree was ordered to be framed. The trial Court, thus, rightly dismissed the application as all the legal heirs of Gopal Kaur were already party to the proceedings and none of her legal heirs had admittedly remained unheard. Hence, no ground for interference is made out.

Dismissed.

**(SABINA)  
JUDGE**

**March 02, 2014**  
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