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

CR No.2679 of 2015 (O&M)

Date of decision: April 23, 2015

Lakhvir Singh

.....Petitioner

Versus

Krishan Lal and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S. Rana, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the orders dated 30.01.2014 and 13.02.2015.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Respondent No.1 had filed suit against respondent No.2 for specific performance of agreement to sell dated 02.01.2007. Suit filed by respondent No.1 was decreed in *ex parte* vide judgment/decreed dated 27.10.2009. During the pendency of the execution proceedings, petitioner filed his objections. The case of the petitioner was that on 22.09.2008, judgment-debtor had mortgaged the suit property with him for ₹1,50,000/- and writing in this regard was executed between the parties. Petitioner was in possession of the suit property.

The learned executing Court vide order dated

30.01.2014 rightly dismissed the objections filed by the petitioner as the decree had been passed in favour of respondent No.1 for specific performance of agreement to sell dated 02.01.2007. Suit was filed by respondent No.1 on 08.02.2008. The alleged unregistered mortgage deed was executed in favour of the petitioner during the pendency of the suit. In these circumstances, the learned trial Court rightly held that the principle of *lis pendens* was applicable in the present case, and the objections filed by the petitioner were liable to be dismissed.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

April 23, 2015

m.singh