

116.

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

Civil Revision No.3945 of 2015 (O&M)

Date of decision:20.10.2015

Surindra Rani and another

... Petitioners

versus

Teja Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.S. Randhawa, Advocate,
for the petitioners.

Mr. Sunil Garg, Advocate,
for respondents 1 to 4.

K.Kannan, J. (Oral)

CM No.21501-CII of 2015

For the reasons stated in the application, the hearing of the case is preponed and with the consent of parties, the revision petition itself is taken up for hearing.

Application stands disposed of.

CM No.18861-CII of 2015

Application is allowed, as prayed for. Annexures R1 and R2 are taken on record.

Civil Revision No.3945 of 2015

1. A third party objector, who has purchased the property prior to the institution of suit on 07.08.2012, cannot be bound by the

decree. There is a duty for a court to render an adjudication on a third party objection, for, the effect of an order that is passed by the court seeking for an adjudication is in the nature of a decree, as per provisions of Order 21 Rule 101 CPC, which sets a question to be determined that would mean an adjudication regarding the title of a third party objector in respect of property to which that he had a better right than the plaintiff.

2. The order passed is erroneous. It is set aside and the matter is remitted to the Executing Court for consideration of the objection in accordance with law. The petitioner says that he has been dispossessed after he filed the objection petition. He is at liberty to move an application for restoration of his possession and the court shall first pass an order on his application before taking up the petition to hear the objection given by the third party. The order for restoration of the possession to the third party objector shall be passed with a period of 12 weeks from today and an adjudication of his title in the manner sought for in proceedings under Order 21 Rules 97 to 99 CPC will come later.

3. Civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

20.10.2015
sanjeev