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

CR No.4160 of 2013 (O&M)

Date of decision: March 10, 2015

Gurmej Singh

.....Petitioner

Versus

Gurbachan Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.D. Sharma, Advocate
for the petitioner.

Mr. Rajinder Sharma, Advocate
for the respondents.

SABINA, J

Petitioner has filed this petition challenging the order dated 16.04.2013, whereby issues were ordered to be framed in objections filed by the judgment debtor.

Learned counsel for the petitioner has submitted that the executing court had erred in framing the issues qua the objections filed by the judgment debtor. Infact the decree passed in favour of the petitioner was liable to be executed.

Learned counsel for the respondent, on the other hand has submitted that the decree had been passed in favour of the petitioner qua House No.176 constructed in Khasra No.2626/1876 min Abadi Krishna Nagar, Tung Pai, Sub-Urban Amritsar. However, judgment debtors were residing in House No.245.

Suit filed by the petitioner was decreed by the trial

Court vide judgment/decreed dated 10.11.2008.

Para 17 of the judgment dated 10.11.2008 reads as under:-

“In view of above discussion and findings on the issues, the suit of the plaintiff is decreed with costs and the plaintiff is entitled to possession of house no.176, constructed on khasra no.2626/1876 min, Abadi Krishna Nagar, Tung Pai, Sub-Urban Amritsar and the defendants are restrained from selling, transferring, alienating or disposing of any part of the property in dispute to anybody else and also restrained from changing the nature of the property in dispute in any manner. Decree sheet be prepared. The file be consigned to the record room.”

Appeal filed by the respondents against the judgment/decreed passed by the trial Court was dismissed by the Appellate Court. Thereafter, petitioner filed execution petition. During the pendency of the petition, respondents filed their objections and submitted that they were in possession of House No.245 and the decree had been passed qua House No.176, therefore, they could not be dispossessed from House No.245. In reply to the objection petition filed by the respondents, petitioner averred that infact number of house had changed from 176 to 245. In view of the pleadings of the parties, executing court rightly ordered the framing of issues in the objections filed by the respondents.

The executing court had framed the following issues:-

“1. Whether the house no.176 of the property has been changed to house no.245?ODH.

2. *Whether the house no.176 and house no.245 are the same one?ODH.*

3. *Relief.”*

In the factual background of the present case, issues framed by the executing court were necessary to be framed to ascertain as to whether the house number had been changed from 176 to 245 or not, to enable the executing Court to execute the decree.

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

Dismissed.

**(SABINA)
JUDGE**

March 10, 2015

m.singh