

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5939 of 2015 (O/M)
Date of decision : 11.9.2015

Amrik Singh

..... Revisionist

Versus

Balwinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Navjot Singh, Advocate, for the revisionist.

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KULDIP SINGH, J. (ORAL)

In the execution of the decree for specific performance of the agreement, the wife of JD filed objections on the ground that she has obtained stay regarding 1 bigha of land, out of 3 bighas 17 biswas in a suit filed for maintenance.

The Executing Court made certain observations that there is an apparent collusion. However, on account of stay, the lower Court partly allowed the objections and ordered that sale deed be executed regarding remaining land measuring 2 bighas 17 biswas. However, the objections were allowed regarding 1 bigha of land, stating that the sale deed cannot be executed in context of the said land on account of stay order in the said civil suit for maintenance.

Apparently, on account of stay by the Civil Court, the sale

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deed regarding said land cannot be executed. Therefore, the present revision is disposed of with a direction that the execution shall remain pending or adjourned sine die regarding 1 bigha of land till the stay against the sale of said land is vacated and thereafter, the Executing Court shall proceed with the execution against 1 bigha of land. However, the revisionist shall always be at liberty to approach the Civil Court for vacation of the stay.

The present revision is accordingly disposed of.

(KULDIP SINGH)
JUDGE

11.9.2015
sjks