

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-608-2015

Date of decision: 27.1.2015

Nachhatar Singh

..... Petitioner

Versus

Harnek Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

PRESENT: Mr. Kulbir Sekhon, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

The petitioner has invoked revisional jurisdiction of this Court under Article 227 of the Constitution of India, seeking to set aside the order dated 13.1.2015 passed by the Executing Court, whereby objection petition filed at the instance of petitioner was dismissed.

Respondent No. 1-Harnek Singh filed a suit for specific performance of agreement to sell dated 30.8.2007 and the same was decreed by the trial Court on 1.6.2012. That judgment and decree had attained finality as appeal against the said judgment was dismissed on 19.3.2013 and Regular Second Appeal (RSA-2735-2013) was also dismissed by this Court on 5.2.2014. The petitioner is the son of judgment/debtor-Ram Singh and claims the property to have been given

to him in a family partition taking place on 13.12.1998.

After seeking reply, from the decree/holder-Harneek Singh, the Executing Court dismissed the objection petition vide the impugned order.

I have heard learned counsel for the petitioner, carefully perused the impugned order as well as the paper-book and find absolutely no ground to interfere. The petitioner claims himself to be in possession over the disputed land, on the strength of khasra girdawri entries from sauni crop of the year 2009 whereas agreement to sell is of the year 2007 and the suit for specific performance had been instituted in the year 2008. It is not the case of the petitioner that his father who is entered as owner of the land in the revenue record, raised any such plea in his written statement, which the petitioner has now tried to set up. The allegations raised by the petitioner by way of objections are on the face of it frivolous and the learned Executing Court was not supposed to ever frame any issue thereon. The objections were apparently filed to delay the execution of the decree lawfully passed.

In view of the above, there is no merit in the instant petition requiring this Court to interfere in the order passed by the Executing Court.

Dismissed.

January 27, 2015
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(R.P. NAGRATH)
JUDGE