

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

CR No.6459 of 2014

Date of decision: 24.08.2015

Laxmi Chand and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Sukhdeep Parmar, Advocate
for the petitioners.

Mr. Kapil Bansal, DAG, Haryana
for respondents No.1 and 2.

Mr. Sanjiv Gupta, Advocate
for respondent No.3.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 16.08.2014, Annexure P-6, whereby, the objections filed by the petitioners (third party) to the execution of the judgment and decree dated 17.10.2012, have been dismissed.

Mr. Sukhdeep Parmar, learned counsel appearing on behalf of the petitioners submits that the objections were filed under the provisions of Order 21 Rule 11 of the Code of Civil Procedure and they were required to be adjudicated, as prescribed provisions, Order

21 Rule 97, 99, 101 read with Section 151 CPC, whereas, the trial Court has failed, to adhere, to aforementioned provisions, as well as, ratio decidendi culled in various judgments by the Hon'ble Supreme Court and by this Court and passed an order in summarily, therefore, the impugned order is liable to be set aside.

Mr. Kapil Bansal, Deputy Advocate General, Haryana and Mr. Sanjiv Gupta, learned counsel for the respondents-State and decree-holder, respectively, submit that there were three sale deeds in favour of the objectors, one dated 19.7.1996 in favour of Lakhmi Chand-objector, second 18.8.2011 in favour of Krishna Devi-objector and third dated 28.04.2005 in favour of the Ram Kumar.

Since the suit for declaration and mandatory injunction has been decreed by the lower Appellate Court granting a declaration to Jagan Singh, who, had purchased the property previously in 1959, rightly the objector being third party, i.e., a purchaser of the part of the property during the pendency of the proceedings would be bound by the decree.

I have heard learned counsel for the parties and appraised the paper book.

Noticing the aforementioned rival contentions raised by learned counsel for the parties, the first and foremost thing to be seen by this Court is whether the petitioners/objectors, who, are admittedly, third party can file the objections to the execution of the judgment and decree for declaration. The answer is 'Yes'. The

objections can be filed under the procedure for seeking the determination of such objections under Order 21 Rule 101 CPC has been prescribed. The trial Court, from perusal of impugned order was obligated to deal with the aforementioned procedure and having not done, the impugned order, in my view and as well as, in law, is not sustainable. Accordingly, the impugned order is set aside and the trial Court is directed to decide the objections filed by the petitioners, in accordance with law, as noticed above.

Revision petition stands allowed.

(AMIT RAWAL)
JUDGE

August 24, 2015
savita