

Sr. No.227
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6844 of 2014

Date of Decision.13.10.2015

Mukhtiar Singh and others

.....Petitioners

Versus

Norang Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of 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. S.S.Brar, Advocate,
for the petitioners.

Mr. N.D.S.Mann, Advocate,
for respondent No.1.

K. KANNAN J. (ORAL)

The petitioners who caused an objection to be stated at the stage of execution in a suit for specific performance suffered an adverse order in the Court in not allowing for an adjudication to be brought on the ground that they were subsequent purchasers pending suit from a party to the specific performance. The grievance is that they had put up constructions and they are bona fide purchasers without the acknowledge of the fact that there was a suit for specific performance.

The petitioners can have no audience before the

Executing Court in view of the statutory interdict contained under

Order 21 Rule 102 CPC. The provision is unexceptional as held by the Supreme Court of India in ***Usha Sinha Vs. Dina Ram and others, 2008 (3) RCR (Civil) 145*** There could be no issue of bona fides in a purchase pending suit. The purchaser always takes such right as judgment vendor-judgment debtor had and if the judgment debtor had failed in her defence, the consequence ought to fall upon the purchasers as well.

The petition raising the objection before the Executing Court was rightly rejected. There is no warrant for interference in the revision petition. The revision petition is dismissed.

(K. KANNAN)
JUDGE

13.10.2015

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