

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8138 of 2010 (O&M)

Date of Decision.01.05.2015

Balhar Singh Grewal and another

.....Petitioners

Versus

Sharan Pal Singh and others

.....Respondents

Present: Mr. Amit Jhanji, Advocate
for the petitioners.

Mr. Amit Kashyap, Advocate for
Mr. Rajinder Goyal, Advocate
for respondent Nos.1 and 2.

Mr. Harit Sharma, Advocate
for respondent No.3.

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?

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K. KANNAN J. (ORAL)

1. A petition at the stage of execution was moved by a subsequent purchaser from the decree holder when the successful tenants were seeking for restitution for re-entry through execution petition. The tenants, who had been ordered to be evicted originally later came by a favourable order of dismissal of the ejectment petition and since the tenants had already lost possession by virtue of the ex parte order of ejectment which was originally passed had applied for restitution. The petitioner claims to be a purchaser of the property from the decree holder without being informed of the fact of proceedings before the Court. On such a purchase, he sought for

petition for objection to be placed against restitution.

2. The petition appears to have been filed under Order 21 Rule 98 CPC. An assignee of the party to the proceeding cannot treat himself as a third party for invoking the provisions under Order 21 Rule 98 CPC. The petition itself was incompetent. Even on another ground namely for a purchase pending suit, no intervention can be made by a subsequent purchaser by virtue of bar comprised under Order 21 Rule 102 CPC. If the petitioner feels himself duped by the landlord who had sold the property without informing about the court proceedings, his remedy will be to sue for damages against him and not cause obstruction to restitution sought at the instance of the tenants.

3. The petition was correctly dismissed and I find no reason for interference. The civil revision is dismissed.

(K. KANNAN)
JUDGE

May 01, 2015
Pankaj*