

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

- 1.** **Date of decision: 04.11.2015**
CR No.7353 of 2015
- Surinder Pal Singh** **...Petitioner**
versus
Madan Gopal Chadda and others **...Respondents**
- 2.** **CR No.7354 of 2015**
- Surinder Pal Singh** **...Petitioner**
versus
Madan Gopal Chadda and others **...Respondents**

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Krishan Singh Dadwal, Advocate,
for the petitioner.

RITU BAHRI, J.

This order shall dispose of Civil Revision Nos.7353 and 7354 of 2015 together as common questions of law and facts are involved in both the petitions. For reference, facts are being taken from Civil Revision No.7353 of 2015.

Challenge in this petition (CR No.7353 of 2015) is to the order dated 23.09.2015 (Annexure P-6) passed by the Civil Judge (Junior Division), Hoshiarpur, whereby third party objections of the petitioner dated 20.10.2013 (Annexure P-3) have been dismissed.

Notice of motion.

At this stage, Mr. Manoj Kumar Sharma, Advocate, accepts

notice on behalf of respondent No.1.

Heard, counsel for the parties.

Learned counsel for the petitioner-objector states that the property purchased by the objector from Paramjit Singh-JD is not part and parcel of the suit property, which has been decreed vide judgment dated 07.05.2013 (Annexure P-2) qua land measuring 4 Marlas 172 Sq. feet. He has no objection, if in the execution petition, the decree holder is granted possession of this property. However, his main objection is that the land measuring 1 Marla 2¼ Sarsahis, on which one shop is constructed, has been purchased by the petitioner-objector from Paramjit Singh and this land is not part of the property qua which decree (Annexure P-2) has been passed.

The objections of the petitioner have been rightly dismissed by the executing Court on the ground that the purchase made by the objector during the pendency of the suit is governed by the doctrine of lis pendence and the executing Court can give possession of land measuring 4 Marlas 172 Sq. feet to the decree holder, as detailed in the decree sheet.

In view of the above, this Court is of the view that during execution proceedings, while giving possession of land measuring 4 Marlas 172 Sq. feet (after measurement), if any room is found to have been constructed therein, the same shall be given to the decree holder. It is made clear that whatever is constructed on this land, possession thereof will be given to the decree holder in accordance with law.

With the above observations, present petitions i.e. Civil Revision Nos.7353 and 7354 of 2015 stand disposed of .

(RITU BAHRI)
JUDGE

04.11.2015

ajp