

N THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.7412 of 2014

Date of decision :-February 19, 2015

Harwant Singh and others

.....Petitioners

Vs.

Harbhajan Singh

.....Respondent

CORAM : Hon'ble Mr.Justice Dr.Bharat Bhushan Parsoon.

Argued by: Mr.Sherry K.Singla, Advocate for the petitioners.

Dr.Bharat Bhushan Parsoon, J.

1. Order dated 19.08.2014 (Annexure P-4) vide which objection petition of objectors-petitioners herein, in execution of the decree was dismissed by the lower Court, is under challenge.

2. Preliminary decree in a suit for partition had been drawn on 18.09.1984. Appeal against the same was dismissed. Merely because the application for passing final decree was instituted on 03.08.2012 i.e. after a considerable delay, is no ground to stall proceedings in the execution petition for drawing a final decree as no limitation has been provided for drawing a final decree in terms of Order XX Rule18 CPC.

3. The learned appellate Court has summed up the entire factual matrix as also the law on the point with precision and clarity. Reference has also been made to **Naresh Kumar Vs. Smt.Kailash Devi 1999 (1) LJR 449**. Objection of the petitioners that application for drawing final decree was barred by limitation has thus rightly been held to be devoid of any merit.

4. Plea of the objectors that they are owners on the basis of sale deed in their favour is again not sustainable. Neither particulars of the sale deed nor any other document to corroborate any right, title or interest of the objectors in the suit land, is there. How during the pendency of the litigation vide any sale, title could pass in their favour in the interface of doctrine of lis pendens, has not been explained.

5. Observations of the lower Court, with approval, are reproduced hereinbelow:

“The objectors cannot take this plea that they have purchased the suit properties vide sale deed and they were not having knowledge regarding earlier litigation. No document is placed by the objectors/respondents to corroborate the facts mentioned in the objection petition. Moreover law of lis pendens is applicable. So the objector is bound by the decree passed by the Court. Even if they have purchased the property in question, they come into the shoes of the seller. Thus I find no merit in the objections and the same are dismissed bring frivolous and not maintainable.”

There is no merit in this petition, the same is hence dismissed.

February 19, 2015
anil

(Dr.Bharat Bhushan Parsoon)
JUDGE