

101

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

CR No.8720 of 2014 (O&M)

Date of decision: July 21, 2015

Baljit Kaur

.....Petitioner

Versus

Jaspal Singh (deceased) through his LRs
and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kamal K. Chaudhary, Advocate
for the petitioner.

Mr. Sarju Puri, Advocate
for respondent No.1.

SABINA, J

Petitioner has filed this petition challenging the
order dated 09.10.2014.

Learned counsel for the petitioner has submitted
that the executing Court has erred in fixing the case for
evidence of the petitioner without framing the necessary
issues.

In the present case, initially, Bhupinder Kaur and
Harsher Singh had filed suit for possession by way of
partition, rendition of accounts and permanent injunction
against Jaspal Singh, Harvinder Singh and the petitioner.
The dispute was with regard to the property owned by Avtar
Singh. The said suit was decreed by the trial Court vide
judgment/decreed dated 23.12.2006. Petitioner had not

challenged the judgment/decreed passed by the trial Court. Preliminary decree was passed in favour of the plaintiffs. Judgment/decreed were upheld upto this Court. Decree-holder initiated execution proceedings. In execution proceedings, a compromise was affected between the plaintiffs and heirs of Jaspal Singh. As per the compromise, heirs of Jaspal Singh relinquished their share in favour of Bhupinder Kaur. Thereafter, petitioner moved an application (Annexure P-3) under Order 23A of Code of Civil Procedure, 1908. The executing Court vide order dated 09.10.2014, after hearing the arguments on the application, adjourned the same for evidence of the petitioner. Petitioner knows her case and has to lead evidence as per her pleadings.

In these circumstances, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 21, 2015

mahavir