

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

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ESA-51-2015 (O&M)

Date of Decision:08.09.2015

MANVINDER SINGH

... Appellant

Versus

SATYA PARKASH AND ANR.

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. M.L. Saini, Advocate
for the appellant.

Mr. Anil Kheterpal, Sr. Advocate with
Mr. Saurabh Garg, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1.] Ex parte decree for specific performance was passed on 16.05.2013. Learned counsel states that on acquiring knowledge on 17.06.2013, he moved an application under Order 9 Rule 13 CPC, but the same was dismissed on 10.11.2014. The objections filed by judgment debtor have been dismissed by the Executing Court. Petitioner states that he has also filed an appeal against the original decree after dismissal of his application under Order 9 Rule 13 CPC. Now Executing Court as well as First Appellate Court have dismissed the objections concurrently. Judgment debtor cannot claim regular procedure for deciding inter party objections. Learned counsel further submits that there is a change in property number which has been corrected now by numbering it 999/A at the back of petitioner without hearing

him.

[2.] At this stage, Mr. Anil Kheterpal, Sr. Advocate with Sh. Saurabh Garg, Advocate accepts notice and with the leave of the Court has submitted that initially one Vijay Kumar Verma was the original owner of entire property No.999 measuring 250 sq. yards. Out of the aforesaid property, he sold defined portion measuring 65 sq. yards to one Anil Kumar vide registered sale deed dated 24.02.2000. Anil Kumar further sold the same to Sanjev Kumar vide registered sale deed dated 09.01.2004 and the petitioner purchased the aforesaid 65 sq. yards from Sanjeev Kumar vide registered sale deed dated 10.02.2006. Thereafter, petitioner entered into an agreement to sell with the respondent-Satya Parkash. The suit on the basis of this agreement to sell has been decreed ex parte. Objections of the petitioner have already been dismissed by the Executing Court as well as the First Appellate Court.

[3.] In view of nature of litigation, particularly when order passed under Order 9 Rule 13 CPC has attained finality, no indulgence can be granted to the petitioner in present appeal. Consequently, the present Execution Second Appeal is dismissed.

September 08, 2015
prince

(RAJ MOHAN SINGH)
JUDGE