

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

**Civil Revision No.1310 of 2015
Date of Decision: 30.08.2016**

GURMAIL RAM

.....Petitioner

Vs

DHANNA RAM AND ANR

....Respondents

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

Present: Mr. Sarju Puri, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Respondent No.2 was duly served as her refusal to accept summon was duly witnessed by one Kewal Ram. The service was considered to be sufficient service vide order dated 12.04.2016 passed by this Court. On that count learned counsel for the petitioner proceeded to argue this case.

[2]. Petitioner has assailed order dated 05.12.2014 (Annexure P-4) passed by Civil Judge (Sr. Divn.) SBS Nagar whereby his objections to the sale deed dated 16.11.2007 were dismissed.

[3]. Kartara Ram predecessor-in-interest of the petitioner as well as respondent No.2 Smt. Seeso @ Siso (daughter-in-law of

the Kartara Ram) filed a suit for specific performance. During pendency of the suit proceedings, Kartara Ram died. Two applications were filed each by the present petitioner as well as the aforesaid Smt. Seeso @ Siso. Petitioner claimed to be legal representative on the basis of Will dated 11.11.1992 and Smt. Seeso @ Siso claimed the status on the basis of Will dated 03.11.1995. For the purposes of pursuing the litigation, both the applications were allowed and the petitioner as well as Smt. Seeso @ Siso were impleaded as legal representative of deceased Kartara Ram.

[4]. Suit was ultimately decreed vide judgment and decree dated 05.08.2004. In the draft sale deed prepared by the petitioner, name of both the claimants were shown, whereas in the draft sale deed prepared by Smt. Seeso @ Siso only her name was mentioned. The sale deed was ultimately executed in favour of Smt. Seeso @ Siso on 16.11.2007, despite the fact that decree drawn pursuant to judgment indicated only execution to satisfy the decree. Against the sale deed dated 16.11.2007, petitioner filed objections before the executing Court on 09.01.2008. The objections were dismissed vide order dated 05.12.2014, against which the present revision petition came to be filed.

[5]. During the course of arguments, it transpired that title arising out of Wills in favour of both the parties stood decided by the trial Court in favour of Smt. Seeso @ Siso on 05.02.2009 and appeal against the said judgment and decree has already been dismissed by the District Judge, SBS Nagar vide judgment and decree dated 05.03.2011. Petitioner also remained unsuccessful even in Regular Second Appeal filed before this Court.

[6]. The only argument raised by learned counsel for the petitioner is that on 16.11.2007, *lis* on the basis of title was *sub-judice* and the executing Court was not justified in ordering the execution of sale deed in favour of Smt. Seeso @ Siso alone.

[7]. Be that as it may, it is not disputed that the status of petitioner viz-a-viz. Seeso @ Siso as on date cannot be considered to be that of co-claimants in the land subject matter of sale deed. The title based on Will dated 03.11.1995 stands already decided in favour of Smt. Seeso @ Siso and she has become absolute owner of the property in question. Continuation of proceedings thereafter would be of no consequence, particularly when the judgment and decree passed by the trial Court on 05.02.2009 has been upheld by the first Appellate Court as well in the Regular Second Appeal by

this Court.

[8]. In view of aforesaid, nothing substantial could be noticed in the present revision petition and the same is accordingly dismissed.

August 30, 2016
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No