

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

**Civil Revision No.1617 of 2016
Date of decision : 05.04.2016**

Basant Kaur (since deceased) through her LR's and others
.....Petitioners

Versus

Manjeet Singh and others
...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. B.S. Sidhu, Advocate for petitioners.

DARSHAN SINGH, J.

The present revision petition has been preferred against the order dated 07.01.2016 passed by the learned executing Court-cum-Civil Judge (Junior Division), Gidderbaha, whereby the objections filed by the petitioners against the draft sale deed have been dismissed.

2. Learned counsel for the petitioners contended that the different JDs have sold the different shares. The sale price to be paid to them is different but the amount payable separately to them is not mentioned in the draft sale deed. He further contended that the loan is

also due against the land in dispute. The different JDs have taken different loan amount that is also not mentioned in the draft sale deed. Thus, he contended that the learned executing Court was required to clarify the aforesaid factual facts in the draft sale deed.

3. I have duly considered the aforesaid contentions.

4. The sale deed is to be executed as per the decree passed by the Court. Even if the JDs are having different shares in the land in dispute and are entitled to the different part of the sale consideration depending upon their shares, is no ground to obstruct the execution as even after receiving the money, it can be easily calculated as to what amount the JDs/vendors are entitled to share. Similarly, it can be easily determined from the certificates to be obtained from the concerned bank/financier as to what amount of loan is due towards which JD against the land of his share to work out the amount payable to him.

5. Thus, I do not find any illegality in the impugned order dismissing the objections petition filed by the petitioners. However, it is made clear that as the DH has been allowed to deposit the balance sale consideration of Rs.16,93,735/- with the State Treasury, by learned executing Court, the petitioners-JDs can make the request to the learned executing Court to directly disburse the amount towards their outstanding loan to the concerned bank/ financier.

05.04.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**