

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.168 of 2016 (O&M)
Date of Decision.14.01.2016

Pritam Singh and others

.....Petitioners

Vs.

Kartar Singh (since deceased) through LR's and others

.....Respondents

Present: Mr. S.S. Slar, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The plaintiff who has obtained a decree for redemption was obstructed at the stage of execution by a third party claiming that he is the owner of the property as a heir to the original mortgagor and the decree obtained by the decree holder was not executable. This objection was rejected by the Court as merely involving a needless obstructive tactics. The Executing Court has done what was correct, for no person can be heard to scuttle the execution of a decree unless the person is himself in possession of the property and he has a right independently of the right of the mortgagor or the mortgagee. If she herself claims a right to the property as heir to the mortgagor, the execution must proceed further and her own rights will be decided only in an independent suit. It is represented that such a suit has also been filed. In such an eventuality, an objection at the stage of execution was

wholly impermissible.

2. The counsel also states that the execution of the decree could be stayed till the disposal of the civil suit. It is wholly unnecessary and the decree holder must have the benefit of the decree and if the petitioner has any right to the property, it will be adjudicated in the independent suit which she has filed. There is no need for intervening with the order already passed. The civil revision is dismissed.

(K. KANNAN)
JUDGE

January 14, 2016
Pankaj*