

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

C.R. No.2057 of 2016 (O&M)

Date of Decision.21.03.2016

Avtar Singh

.....Petitioner

Vs.

Ram Dhari and another

.....Respondents

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

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 revision petition is not competent, for the objection by third party that too a purchaser pendente lite, from a judgment debtor gets not right to object to execution. He will bound by the decree in the same manner as the judgment debtor is bound.

2. The revision petition is not maintainable for two reasons. If the objection is to be taken as an objection by a third party, any adjudication in relation to the property will have to be bound by the provisions of Order 21 Rule 102 CPC which states that provisions of Rule 98 and 100 will not apply to pendente lite purchasers. Consequently, he is not competent to resist the objection. If he must be taken as making an objection as successor for judgment debtor and that it should be construed as objection under Section 47 CPC, he cannot have a case to contend that the execution of the decree itself is not competent. There is no question of bona fides for purchaser pending suit. He cannot resist

an action for delivery. If the Court has rejected his objection, I will find no cause for interference with the order passed.

3. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 21, 2016
Pankaj*