

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 3515 of 2016
Date of decision : May 19, 2016

Pummy

..... Petitioner

Versus

Surjit Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Dhawaljeet Dutta, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The petitioner-objector-Pummy one of the legal representatives of Kartaro is aggrieved of the judgment and decree dated 9.1.2008 in a suit for specific performance of agreement to sell dated 14.3.2002 executed by Kartaro.

Learned counsel appearing on behalf of the petitioner submits that on the date of execution of the agreement to sell aforementioned the property stood mutated in the name of Sant Ram and Kartaro being his wife without realizing the fact that the other children would be having equal right has entered into an agreement to sell in respect of the entire property. During the pendency of the suit she was proceeded ex-parte and before the judgment and decree noticed above died intestate. No steps were

taken by the legal representatives, therefore the right of the legal representatives of Kartaro is effected. All these aspects have not been noticed by the executing court while declining the objections.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that it was duty of the legal representatives of Kartaro to bring on record these facts, at the best should have also challenged the judgment and decree dated 9.1.2008 by filing third party appeal by seeking leave of the court that the property had fallen to all the legal representatives of Sant Ram but the fact remains that on the date of execution of the agreement to sell the property stood in the name of Sant Ram and Kartaro being his wife executed the sale deed of the aforementioned agreement in favour of the vendee on behalf of all the legal representatives. Had it been so, the legal representatives would have filed the objections or ought to have moved an application before the trial court when the suit was pending adjudication, even remedy of third party appeal has not been availed. It is too late in a day to challenge the judgment and decree by filing objections. Even other legal representatives have not filed any objection to the execution of the judgment and decree, except the petitioner.

In view of the aforementioned facts, I am of the view that all the legal representatives have accepted the act performed by Kartaro.

For the foregoing reasons, I do not find any illegality and perversity in the impugned order and the same cannot be said to

have been passed without jurisdiction.

The revision petition is devoid of merits.

Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

May 19 , 2016
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