

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

Civil Revision No.4589 of 2016  
Date of decision: August 02, 2016

Ram Kumari ...Petitioner

Versus

Sucha Singh & others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. A.S. Saini, Advocate for the petitioner.

**Rajan Gupta, J. (oral)**

Present revision petition is directed against the order dated 24.11.2015, passed by Addl. Civil Judge (Senior Division), Anandpur Sahib, whereby the court directed to cancel the mutation entered on the basis of sale deed dated 15.01.2015 executed in favour of petitioner by respondent No.1 and further to enter mutation on the basis of same.

Learned counsel for the petitioner has assailed the order. According to him, the land in question has been purchased by the petitioner vide a registered sale deed and petitioner was not aware of the litigation pending between respondent No.1 and respondent No.2 regarding the land in question.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It reveals that Nand Lal respondent No.2 filed an execution application against respondent No.1 on the basis of judgment and decree dated 22.07.2011. On 18.5.2015, the trial court appointed a Local Commissioner to execute the sale deed in favour of decree holder in terms of judgment and decree dated 22.07.2011. In compliance of the order, the Local Commissioner got the sale deed executed in favour of the decree holder. Thereafter, an application was moved to sanction mutation in favour of decree holder, notice of which was issued to the Naib Tehsildar to sanction the mutation, but he submitted a report that during pendency of the case, JD Sucha Singh had executed sale deed in favour of Ram Kumari (petitioner herein) and that the sale deed needs to be cancelled. He further reported that no entry was reflected in the Jamabandi regarding pendency of proceedings of court. The trial court observed that sale deed dated 15.01.2015 is hit by rule of *lis pendens* and the same is illegal, null and void.

I find no infirmity with the order passed. It reveals that an application under section 28 of Specific Relief Act was moved by the respondent No.1/JD, which was dismissed by the trial court on 27.03.2015. Revision preferred against the said order was also dismissed by this court. Before dismissal of his application, respondent No.1 illegally sold the land to the petitioner on 15.01.2015. Therefore, the trial court has rightly issued notice to Naib Tehsildar to cancel the mutation sanctioned on the basis of sale deed dated 15.1.2015 and to sanction mutation in favour of respondent No.2/decree holder on the

basis of sale deed executed through court. There is, thus, no scope for interference in revisional jurisdiction.

Dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

August 02, 2016  
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No