

202.

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

Civil Revision No.5390 of 2011

Date of decision:09.02.2016

Nar Singh and others

... Petitioners

versus

Hazari Singh @ Jhari Ram and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajinder Goyal, Advocate,
for the petitioners.

Mr. Atul Gaur, Advocate,
for Mr. Sumeet Goel, Advocate,
for respondents 1, 2 and 4 to 6.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. In a final decree for partition obtained by the plaintiff -third party objectors claimed to be the owners of property in Khasra No.489/1 in various extents of properties. The court allowed the objections of objectors 1 to 3 and dismissed the claims of objectors 4 to 6. The court also dismissed the execution application as inexecutable since the suit was for partial partition.

2. The Executing Court has no right to comment upon the executability of the decree except as regards the extent of considering claims of third parties. If the sales of objectors 1 to 3 are to be upheld the respective properties covered under the sale deeds in Khasra No.489/1 will alone stand excluded and the rest of the properties will be liable for being delivered to the plaintiff. The order already passed is set aside and the revision by the decree holder is allowed to secure delivery of the property pursuant to the final decree to exclude therefrom the properties claimed by the third party objectors under the respective sale deeds. The bailiff will identify the property which are claimed by the respective objectors and removed them out of reckoning while delivering the property in the manner described in the final decree and allotted to the plaintiff-decree holder.

3. Revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

09.02.2016
sanjeev