

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5180 of 2016

Date of Decision: September 27th, 2016

Vijay Kumar

...Petitioner

Versus

Nirdosh Kumar

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Kuldeep Singh, Advocate for
Mr.Ashish Aggarwal, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-judgment debtor is aggrieved of the impugned orders, whereby the objections filed by him in the execution proceedings moved by the respondent-decree holder seeking execution of the decree dated 8.9.2004, have been dismissed.

Mr.Kuldeep Singh, Advocate for Mr.Ashish Aggarwal, learned counsel for the petitioner-judgment debtor submits that inspite of the fact that the judgment debtor is ready to perform his part of the contract, respondent-decree-holder is trying to get the possession of the demised premises in execution application despite the execution of agreement to sell dated 20.3.2014. It has also been submitted that the objections should have been tried as if it was a suit by framing the issues owing to the aforementioned fact. Having failed to do so, the impugned order is not sustainable.

I have heard the learned counsel for the petitioner, appraised

the paper book and of the view that in case the petitioner-judgment debtor was aggrieved of the agreement to sell, he should have sought independent proceedings seeking the benefit arriving from the same as the execution of the agreement to sell, aforementioned, has been specifically denied. The Court cannot go beyond the decree. Even this Court in its order stated that the Executing Court shall cause to deliver the possession of the property to the decree holder forthwith. I am of the view that filing of the objections was nothing but an attempt to prolong the execution of the proceedings. The objections were/are totally misconceived and devoid of merit. No ground for interference is made out.

Revision petition stands dismissed.

September 27th, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No