

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

C.R. No.5545 of 2016
Date of Decision.29.08.2016

Maninder Kaur

.....Petitioner

Vs.

Shaimber Singh

.....Respondent

Present: Mr. Rajan Singh Dadwal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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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AMIT RAWAL J. (ORAL)

The petitioner-judgment debtor/defendant No.2 is aggrieved of the dismissal of the objections seeking execution of the judgment and decree dated 23.04.2013 whereby suit for possession by way of specific performance of agreement to sell dated 01.01.2001 has been decreed.

Mr. R.S. Dadwal, learned counsel appearing for the petitioner-judgment debtor/defendant No.2 submits that it is joint *khata* and therefore, without partition, the judgment and decree cannot be executed.

I have heard learned counsel for the petitioner and appraised the paper book. Once the aforementioned judgment and decree has attained finality as the second appeal filed against the aforementioned judgment and decree has also dismissed vide judgment dated 31.07.2013, the plaintiff at best could become co-sharer and shall be entitled to seek consequential orders, if required so, but the decree cannot be thwarted in the mode and manner as indicated above. In my view, such objections were taken just to

delay the execution of the judgment and decree. Such kind of attempt on behalf of the litigants should be nipped in the bud and come down with heavy hands.

For the foregoing reasons, I do not find any illegality and perversity in the order passed by the Court below, much less, cannot be said to be passed without jurisdiction. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

August 29, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No