

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

107

CR No.7239 of 2016

Date of Decision: November 22, 2016

SURENDRA RANI AND ANR

-PETITIONERS

VS

TEJA SINGH AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Anish Garg, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Learned counsel for the petitioners contends that on the basis of agreement to sell dated 14.09.1995, respondents No.1 to 4 filed a suit for specific performance against respondents No.5 and 6. The suit was decreed vide judgment and decree dated 20.11.2003. As a consequence of aforesaid decree, a sale deed was executed on 30.05.2012 in favour of plaintiffs-decree holders/respondents No.1 to 4. In the said sale deed, it was recited that possession of the property was not given to the purchasers on the spot. Thereafter, separate suit for possession was filed by the plaintiffs/respondents No.1 to 4 against the defendants on 06.08.2012 which was decreed exparte vide judgment and decree dated 01.11.2013. In execution of this judgment and decree, petitioners filed objections on the ground that they had already purchased the suit property from respondents No.5 and 6 vide

sale deeds dated 16.05.2002 and 17.04.2003 much before filing of suit against respondents No.5 and 6.

Petitioners submitted that in execution of decree dated 01.11.2013, they have been dispossessed on 28.05.2015 without they being party to the decree. The objections are still pending. The application for restoration of possession has been declined by the Executing Court.

Learned counsel also submits that in Civil Revision No.3945 of 2015, direction was made to decide the objections of the petitioners and liberty was also given to move an application for restoration of possession. Admittedly, objections are still pending.

At this stage, it would be just and expedient to direct the Executing Court to decide the objections in accordance with law. There is no necessity of passing any order in the subject issue involved in the present revision petition, however liberty is granted to the petitioners to assail the same along with order, if any, passed by the Executing Court against the petitioners.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

November 22, 2016

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No