

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

C.R. No.7850 of 2016 (O&M)

Date of Decision.02.12.2016

Harjinder Kaur

.....Petitioner

Vs

Suba Singh and others

.....Respondents

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner, who was not party to the suit, moved application seeking stay of the execution of the judgment and decree dated 11.11.2009 passed in suit for permanent injunction on the premise that she has purchased the property from respondent Nos.5 to 8 vide sale deed dated 14.05.2012.

Mr. Jaswal, learned counsel appearing for the petitioner submits that the third party objections were maintainable but the Court below has erroneously dismissed the same as valuable right had accrued in her favour, much less, the petitioner is in possession of the property. I am afraid the aforementioned argument is not sustainable as the injunction decree always bars the alienation of the property. Despite that the petitioner had purchased the property on 14.05.2012 i.e. during the pendency of the execution and therefore, would be bound by the decree and cannot set up independent right by filing the objections under Order 21 Rule 97 CPC etc.

I do not find any illegality and perversity in the order under challenge, much less, the order cannot be said to be passed without jurisdiction.

The order under challenge is confirmed and the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

December 02, 2016
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No