

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

CR No.8574 of 2016 (O&M)

Date of decision:19.12.2016

Ranjodh Singh (since deceased) through LRs ... Petitioner

Vs.

Kulwant Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Raj Kumar Kakkar, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

C.M.No.26067-CIL-2016

The application is allowed, subject to all just exceptions. Legal representatives of petitioner - Ranjodh Singh, as mentioned in the application are ordered to be brought on record for the purpose of prosecuting the present petition.

CR No.8574 of 2016 (O&M)

The petitioner-judgment debtors, are LRs of Ranjodh Singh, vendor, who died during the pendency of the proceedings in a suit seeking possession by way of specific performance of the agreement to sell, whereby, respondent-decree holders were held entitled to recover the earnest money.

Mr. Raj Kumar Kakkar, learned counsel appearing on behalf of the petitioner-judgment debtors submits that in pursuance to the warrants of

possession, the decree holder after seeking permission of the Court under Order 21 Rule 72 of Code of Civil Procedure, availed the remedy. He submits that the matter can be settled, in case, the Court calls upon the other side.

I am afraid, the aforementioned submission would not tenable. Since the petitioner had died in the year 2015, almost a year has passed, if any effort was to be made, it could have been done before the Executing Court. The judgment and decree was passed on 21.11.2012. Having failed to avail aforementioned remedy, I am of the view that no useful purpose would be served by calling upon the other side.

No ground is made out for interference in the impugned orders.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

December 19, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No