

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

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ESA-23 OF 2012 (O&M)

Date of Decision: 15.01.2016

LAKHA SINGH

---Appellant

Versus

DALBIR KAUR @ BHIRO AND ORS.

--Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Ranjit Sharma, Advocate
for the appellant.

None for the respondents.

REKHA MITTAL, J.

1) The present appeal lays challenge to order dated 15.2.2012 passed by the Additional District Judge, Taran Taran in execution proceedings, setting aside the order dated 03.11.2010 passed by Civil Judge (Sr. Divn.), Taran Taran.

2) Lakha Singh, the present appellant filed a suit seeking specific performance of an agreement to sell 6 marlas of land executed by Darshan Singh but the said suit was filed against the LRs of deceased Darshan Singh except his wife. Dalbir Kaur @ Bhira wife of Darshan Singh made a statement that she was ready to execute the sale deed in pursuance of agreement to sell

executed by her husband and on the basis thereof, judgment and decree was passed in favour of appellant-Lakha Singh which was sought to be executed by filing an application for the purpose.

3) Baljit Singh, one of the defendants in the main suit being son of Darshan Singh was minor at the time when Dalbir Kaur @ Bhiri made a statement conceding to the claim of Lakha Singh-decree holder. Baljit Singh, later filed a suit challenging the judgment and decree passed in favour of Lakha Singh on the premise that his mother was required to seek permission of the Court before suffering the statement having an adverse affect on the interest of said Baljit Singh. The suit filed by Baljit Singh was decreed vide judgment and decree dated 14.3.2014 passed by the Court and as a result, the judgment and decree passed in favour of Lakha Singh-appellant stands set aside. Counsel for the appellant has fairly conceded that no appeal has been preferred by Lakha Singh against the judgment and decree dated 14.3.2014 passed in favour of Baljit Singh. Once the judgment and decree passed in favour of the appellant has been set aside by a competent Court of law in appropriate proceedings, there is no decree in favour of the appellant which can be executed by the Court.

4) In this view of the matter, appeal filed by the appellant is rendered infructuous and is disposed of accordingly.

5) Pending CMs stand disposed of.

(Rekha Mittal)
Judge

January 15, 2016
SwarnjitS