

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1328 of 2017 (O&M)
Date of Order: 01.11.2017

Rakesh Kumar (Deceased) THR LRS

..Petitioners

Versus

Tarlochan Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms.Ritam Aggarwal, Advocate,
for the petitioners.

Mr. H.N.S.Gill, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Petitioners are in revision petition against order passed by
learned Executing Court dated 30.01.2017, dismissing the objections.

It is not in dispute that a suit for possession by way of specific
performance of agreement to sell dated 29.09.1995 was decreed in favour of
the decree holder on 23.08.2007.

First appeal was also dismissed. In the second appeal, this
Court while adjudicating upon application for restoration of the appeal,
taking into consideration the facts involved in the case, ordered that the
defendants-appellants shall pay a sum of Rs.50 lacs up till 30.04.2015.
However, payment was not made as directed and ultimately the application
for restoration of the regular second appeal was dismissed on 25.08.2015.

Still the decree was not complied with. Hence, decree holders
filed execution petition.

In the execution petition, legal representatives of General Power of Attorney of the owner filed objections. It is not in dispute that the aforesaid General Power of Attorney holder has died. Original Judgment Debtor is alive. There are no objections on behalf of the original Judgment Debtor. Still further learned Executing Court has dismissed the objections after considering all aspects of the case.

Learned counsel for the petitioners has submitted that petitioners are widow and children of Rakesh Kumar, who was the power of attorney holder of original owner Inderjit Singh. He has not filed any objection.

In any case, once the decree has been passed and has become final, there is no reason why the Executing Court should delay the execution of the decree.

For the reasons recorded above, this Court does not find any good ground to interfere with the impugned order passed by the learned Executing Court. The revision petition is dismissed.

November 01, 2017
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(ANIL KSHETARPAL)
JUDGE

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