

In the High Court of Punjab and Haryana at Chandigarh

207

CR No.1709 of 2013

Date of decision:09.10.2017

Daya Chand & others

.....petitioners

Versus

Amar Chand & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.B.S.Tewatia, Advocate,
for the petitioners.

Mr.Adarsh Jain, Advocates
for the respondents.

RAJ MOHAN SINGH, J (oral)

The objections filed by the vendees lis pendence were dismissed by the Executing Court vide order dated 31.1.2011. However, execution first appeal filed before the lower Appellate Court was accepted on the premise that till date final decree has not been drawn in terms of Order 20 Rule 18 (2) CPC. The preliminary decree is not executable inasmuch as that there is no defined share mentioned therein. It was incumbent upon the parties to apply for final decree. Admittedly no such course has been adopted by either of the parties, therefore, there was no occasion to engross a final decree on a stamp paper. It is the final decree which determines the rights of

the parties by metes and bounds in a suit for possession by way of partition. Since there is no executable decree as on date, therefore, no instrument chargeable with duty shall be admitted in evidence for any purpose.

Having gone through the findings recorded by the lower Appellate Court, I do not see any reason to differ with the same. This revision petition is found to be totally bereft of merits and the same is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

October 09, 2017
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Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No