

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Civil Revision No.3329 of 2017 (O&M)

Date of decision: May 30, 2017

Gursewak Singh

...Petitioner

Versus

Varinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Dadwal, Advocate for the petitioner.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 06.04.2017, passed by Additional Civil Judge (Senior Division), Jagraon, whereby application filed by the respondent for restoration of execution proceedings has been allowed.

It has been urged before the court that petitioner had purchased the land in question in court auction on 16.7.1997. Learned counsel submits that application for restoration of execution proceedings filed by the respondent was not maintainable. Thus, the order passed by the court below deserves to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, in view of judgment and decree passed in Civil Suit No.348 of 1994, Execution No.35 was filed on 2.9.1996, wherein the land attached was sold in open auction on 3.4.1997, which was purchased by Gursewak Singh, petitioner herein. Said sale was confirmed on 14.06.1997 and a certificate in this regard was issued on 16.07.1997 in favour of Gursewak Singh petitioner. He moved an application for issuance of warrants of possession on 19.07.1997, which were issued by the executing court.

Objections filed by Sant Kaur in the execution were dismissed on 16.05.1999. Sant Kaur preferred Civil Revision No.2966 of 1999 before this court, wherein warrants of possession were stayed on 22.5.1999. In view of the stay order, the trial court adjourned the execution proceedings *sine die*, vide order dated 8.5.2004. The petitioner i.e. the auction purchaser had entered into an agreement with the respondent Varinder Kumar on 26.04.1998 and petitioner received the entire amount of consideration and a sale deed bearing No.1997 dated 10.11.2015 was also executed in favour of respondent. Ultimately, this court dismissed the revision petition on 31.07.2015. Respondent filed instant application on 2.12.2015 before the executing court for restoration of the execution proceedings and for issuance of warrants of possession in his favour. Same has been allowed by the executing court. I find no error with the order passed by the execution court. A perusal of the impugned order shows that an agreement to sell dated 26.04.1998 executed between the parties to the present petition is there on record, which shows that petitioner had received Rs.2,20,000/- from the respondent and later on sale deed was executed on 10.11.2015. Thus, the executing court has not committed any error in restoring the execution proceedings and issuing warrants of possession in favour of the respondent. No ground to interfere in revisional jurisdiction is made out.

Dismissed.

(RAJAN GUPTA)
JUDGE

May 30, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No