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

**Civil Revision No.3349 of 2017
Date of Decision:21.12.2017**

Ram Sakhi BhartiPetitioner
Vs
Panna Lal SharmaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Veneet Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. This revision petition has been preferred by the petitioner against the orders dated 08.09.2016 (Annexure P-2) and 26.09.2016 (Annexure P-5) passed by the Civil Judge (Jr. Divn.) Amritsar/executing Court.

[2]. Brief facts are that a suit for possession by way of specific performance filed by the respondent was decreed by the trial Court vide judgment and decree dated 11.08.2011. Judgment-debtor/petitioner remained unsuccessful before the lower Appellate Court. The appeal filed by the judgment-debtor was dismissed vide judgment and decree dated 23.10.2013. Even, RSA No.52 of 2014 filed in the High Court was also dismissed vide judgment dated 19.11.2015. SLP was preferred before the Hon'ble Apex Court which was also dismissed.

Execution was filed by the decree-holder. The mode of execution was by way of issuance of warrants of attachment of property of the judgment-debtor and for warrants of possession.

[3]. An application under Section 151 CPC was filed by the judgment-debtor for dismissal of the execution of judgment and decree dated 11.08.2011 on the ground that the only house of the judgment-debtor cannot be attached. The said application was dismissed by the executing Court vide order dated 08.09.2016 (Annexure P-2). Thereafter objections under Section 47 CPC were filed by the judgment-debtor before the executing Court and the same were dismissed vide order dated 26.09.2016 (Annexure P-5).

[4]. In the present revision petition, the only argument raised by learned counsel for the petitioner is that the residential house of the judgment-debtor cannot be attached and auctioned in execution in view of Section 60(1)(ccc) CPC. These very arguments were raised even in Regular Second Appeal which was dismissed by the High Court on 19.11.2015. Even otherwise in view of **Bikram Singh vs. Surjit Singh and others, 2000(4) R.C.R. (Civil) 422**; **Mahender Singh vs. Mangal Singh, 2013(4) R.C.R (Civil) 342** and **Sheela Rani vs. Punjab and Sind Bank, 1994(1) PLR 583** it can be noticed that in case of specific performance of agreement to sell of the

house, the same is not exempted under Section 60(1)(ccc) CPC. What is exempted under Section 60(1) (ccc) CPC is the sale of attachment of a residential house in occupation of judgment-debtor.

[5]. The decree in the present case is for specific performance of agreement to sell of the house, therefore, the residential house is not being attached or sold in execution of the decree, but the decree for specific performance is being executed and as a consequence thereof, the possession is being sought by the decree-holder. A suit for specific performance at the instance of decree-holder was in relation to the residential house agreed to be sold by the defendant to the plaintiff. The parties had entered into lawful agreement to sell and the suit was decreed upto the Hon'ble Apex Court and the decree holder is enforcing the decree. The judgment-debtor was unsuccessful throughout and he cannot maintain the same very arguments which were raised during the proceedings of Regular Second Appeal before the High Court.

[6]. In view of above, this revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

December 21, 2017

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No