

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

Civil Revision No.3645 of 2012 (O&M)

Date of decision: 21.11.2017

Rajdeep Singh

.....Petitioner

Versus

Surinder Singh and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manu R. Bhardwaj, Advocate,
for the petitioner.

Mr. Vikas Bahl, Senior Advocate,
with Ms. Balpreet Sidhu, Advocate,
for respondent Nos. 1 and 2.

Mr. Veneet Chaudhary, Advocate,
for respondent No.5.

Ritu Bahri, J.

Challenge in this petition is to the order dated 17.08.2011 (Annexure P-1) passed by the Civil Judge (Junior Division), Chandigarh, whereby objections filed by the present petitioner-Rajdeep Singh and Ishwar Singh (respondent No.5) have been dismissed.

Learned counsel for respondent Nos.1 and 2 has informed that the decree in question has been executed and possession has been delivered to the decree holders-plaintiffs. The execution petition has been dismissed being fully satisfied.

The present petitioner was not a party to the civil suit and his objections have been dismissed by the executing Court vide order dated

17.08.2011 (Annexure P-1) by observing that the objector (petitioner) had purchased the property in dispute from Amar Singh and others vide registered sale deed dated 09.12.1994. As per records, said Amar Singh and others had claimed their right over the suit property on the basis of sale deed dated 01.12.1988. Further, the second objector Ishwar Singh (respondent No.5 herein) had purchased the property from first objector Rajdeep Singh vide sale deed dated 28.12.1994. However, during the pendency of the civil suit, vide order dated 19.04.1988, the trial Court had ordered that the suit property should not be alienated till the pendency of the suit, which was filed on 08.04.1988. Meaning thereby, both the sale deeds dated 01.12.1988 and 09.12.1994 were executed after passing of the stay order dated 19.04.1988, whereby respondents were restrained from alienating the suit property. Therefore, the sale deeds were hit by the doctrine of *lis pendence*.

After going through the impugned order, this Court is of the view that the execution Court has rightly dismissed the objections filed by the objector-petitioner in view of the judgment passed by this Court in **Satish Kumar vs Shanti Devi & others**, 2008 (4) CCC 185 (P&H). Moreover, the decree in question has already been executed and execution petition has been dismissed as fully satisfied. In these circumstances, no ground is made out to interfere in the impugned order.

Resultantly, the present petition is dismissed.

21.11.2017
ajp

(RITU BAHRI)
JUDGE

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