

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

CR No.3871 of 2017 (O&M)

Date of decision : 25.07.2017

Sukhdev Singh (Since Deceased) Through LRs

.....Petitioner

versus

Joginder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Malkeet Singh, Advocate
for the petitioner.

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ANIL KSHETARPAL, J. (ORAL)

Judgment debtors have challenged the order dated 20.01.2017,
which extracted as under: -

“Sh. P.S. Chahal, Advocate filed memo of appearance on behalf of Davinder Kaur and Paramjit Kaur LRs of JD Sukhdev Singh. Earlier execution file as was filed on behalf of DH received from the record room. Perusal of the same reveals that in accordance with judgment and decree sale deed has already been executed in favour of DH. Hence, warrant of possession is ordered to be issued for 10.03.2017 on filing of warrant fee forthwith.”

Decree holder had filed a suit for possession by way of specific performance of agreement to sell dated 14.05.2002. The suit filed was decreed, of course, ex parte on 27.09.2006. Application for setting aside was filed which has again been dismissed. Therefore, the ex parte judgment has become final.

In execution petition, even the sale deed has been executed by the Court representative in favour of decree holder as noticed in the impugned order. The Court had also issued warrants of possession.

Learned counsel for the petitioner has very fairly stated that symbolic possession has already been delivered. It is contended by the counsel that since counsel for the judgment debtor had prayed for adjournment to file objections, therefore, the Court ought to have adjourned the matter. From the reading of the order no such prayer appears to have been made. Once a sale deed has been executed, the issuance of warrants of possession is only consequential in nature particularly in a suit for possession. A reading of the judgment shows that plaintiff had only purchased a share in the land. In these circumstances, symbolic possession has been correctly given.

For the reasons recorded above, I do not find any ground to interfere with the order passed by the trial Court dated 20.01.2017.

Revision petition is dismissed.

(ANIL KSHETARPAL)
JUDGE

July 25, 2017
sahil soni

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