

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4051 of 2017
Date of decision: 02.06.2017

Anju Choudhry

... Petitioner

Vs.

Ram Krishan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Amit Jhanji, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 17.05.2017 (Annexure P-8) passed by the learned executing Court, whereby objections raised by the petitioner to the execution petition filed by the decree-holder were dismissed, petitioner has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

So far as Parminder Singh-defendant No.1 is concerned, decree dated 07.07.2015 passed by the learned trial Court, whereby suit of the plaintiff-Ram Krishan for possession by way of specific performance of agreement to sell was decreed, has already attained finality. In the execution petition filed by the decree-holder, even the sale deed has also been executed through the Court, in favour of the decree-holder. Thereafter, when warrants of possession were issued, objections

were filed by the petitioner before the learned executing Court, which came to be rightly dismissed by the learned executing Court vide impugned order dated 17.05.2017 (Annexure P-8). Having said that, this Court feels no hesitation to conclude that the learned executing Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

Admittedly, petitioner is a later vendee. Agreement to sell in favour of the plaintiff was of 19.09.2011, whereas the petitioner allegedly purchased the suit property by way of agreement to sell dated 19.08.2014 i.e. after about three years of abovesaid agreement to sell dated 19.09.2011. Once the petitioner was not party to the earlier suit for possession by way of specific performance of agreement to sell filed by the plaintiff-respondent No.1 Ram Krishan and said decree dated 07.07.2015 has already attained finality qua abovesaid Parminder Singh, petitioner was not having any case either on facts or in law.

Learned counsel for the petitioner has also pointed out that the petitioner has already filed a suit for declaration against the judgment and decree dated 07.07.2015. If that is so, petitioner would be at liberty to pursue her suit for declaration and natural consequences would follow. So far as the decree dated 07.07.2015 in favour of the decree-holder is concerned, the learned executing Court was duty bound to execute the said decree, strictly in accordance with law. That is what has been done by the learned executing Court. Under these peculiar and undisputed facts noticed hereinabove, no fault can be found with the impugned order passed by the learned executing Court and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may

warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order has been found duly supported by sound reasons and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

02.06.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No