

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

Civil Revision No.4342 of 2017

Date of Decision:- 07.07.2017

Joginder Singh and others

.....Petitioners

Versus

Pritam Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. V.K. Sandhir, Advocate, for the petitioners.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 20.05.2017, passed by learned Civil Judge (Jr. Divn.), Jagraon (Executing Court), whereby the execution of sale deed in favour of contesting respondents have been ordered through Court official, after summarily dismissing the objections of petitioners, vide order dated 10.04.2017 (Annexure P-3) whereas the objections of objector No.10/respondent No.6 have not been decided.

In the present case, the suit of the plaintiffs was dismissed by the learned trial Court, vide its judgment and decree dated 30.08.2008, however, the appeal filed by the respondents/plaintiffs was accepted by the learned Court of Additional Sessions Judge, Ludhiana, vide judgment and decree dated 21.10.2010 (Annexure P-1). Thereafter, the Regular

Second Appeal filed by the defendants was dismissed and even the SLP was also dismissed.

Learned counsel for the petitioners submits that the present petitioners being the third party objectors have also the bona-fide purchasers of the suit land and the Executing Court without calling upon the evidence and without affording an opportunity of hearing, has wrongly dismissed their objections, vide order dated 10.04.2017 (Annexure P-3). Further, the Executing Court has also kept the objections of objector No.10 and vide its order dated 20.05.2017 has ordered the execution of sale deed in favour of the respondents/plaintiff through the Court official.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the decree in the present case has already attained finality and learned Civil Judge (Jr. Divn.) Jagraon, after taking into consideration all the facts, has dismissed the objections filed by the petitioners and has examined the matter in the right perspective, recorded the cogent grounds and correctly passed the said impugned order. Such order, containing valid reasons, cannot possibly be interfered with by this Court, unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant revision petition is hereby dismissed as such.

However, it is made clear that dismissal of the present revision petition will not have any effect on the merits of the case and the appellate Court shall decide the objections of the petitioners, in accordance with law.

July 07, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No