

In the High Court of Punjab and Haryana at Chandigarh

126

CR No. 4398 of 2017

Date of decision: 10.7.2017

BOOTA SINGH

.....petitioner

Versus

FOOD CORPORATION OF INDIA

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Pranav Handa, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(oral)

Present revision petition has been filed for setting aside the impugned order dated 6.5.2017, whereby objection filed by the judgment debtor in execution has been dismissed.

Civil suit filed on 11.10.1988 was decreed in favour of the decree holder/ FCI on 3.9.1996. The execution of the said decree was adjourned *sine die* in the proceedings under Order 9 Rule 13 CPC filed by the judgment debtor. The appeal filed by the judgment debtor against the judgment and decree dated 3.9.1996 was ultimately dismissed by the lower Appellate Court and, thereafter, proceedings in execution were restored. The only objection filed by the judgment debtor in execution is that the judgment debtor is a co-sharer having share in the ancestral property and the same has not been earmarked by

way of partition. In view of law laid down by the Full Bench of this Court in **Bharthu Ram Vs. Ram Sarup, 1981, P.L.J. 204**, even a sale of specific khasra number out of joint land would be a sale of share and the vendee will step into the shoes of the vendor even in the joint land. The share of the judgment debtor can be sold in execution of the decree subject to partition amongst the co-sharers and the vendee and the proposed vendee will ultimately step into the shoes of judgment debtor. The decree passed in the year 1996 has not been executed so far.

Keeping in view the facts and circumstances of the case, I do not consider this case to be fit enough to interfere in exercise of powers under Section 227 of the Constitution of India.

Accordingly, this petition is dismissed.

July 10, 2017
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking
Whether reportable

Yes/No
Yes/No