

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6237 of 2017 (O&M)

Date of Decision: 14.09.2017

Amar Singh through LRs

... Petitioners.

Versus

Sukhdev Singh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Saurabh Bhatia, Advocate,
for the petitioner.

ANIL KSHETARPAL, J. (ORAL).

The judgement-debtors are in revision petition against the order dated 10.07.2017. The order passed by the learned trial Court while dismissing the objection petition, reads as under: –

“Heard on objections filed by Jds.

From perusal of the objections, it is clear that the objections filed by the Jds are nothing, but false and frivolous allegations made against the DH, and it is clear that the objections have been filed just for the sake that the present execution can only be delayed. In the objections, the objectors have stated that the DH has not issued notice to Jds before depositing the balance sale consideration. But, in the decree there is no such requirement for issuing prior notice and moreover, it has come out on record that in Ld. Appellate Court, order was passed that Jds/objectors should get the sale deed registered and

executed. But, they have not got the sale deed registered and executed as per orders of Ld. Appellate Court, which means that it was the duty of the Jds/objectors, who had not complied with the orders of the court and it is not that the DH has not complied with the directions of the court and further, the other objection taken is that the DH is not in possession of sufficient funds to pay the balance sale consideration is not having any weight, as when DH has filed the present execution, it means that he is having sufficient means to pay the sale consideration and moreover, Jds/objectors themselves have taken an objection that DH has not issued any notice prior to deposit of sale consideration, which means that the DH is having the capacity to pay the sale consideration and even if, it is presumed that DH is not having the capacity to pay sale consideration, then he would not be able to get the sale deed executed. But, this is no ground for dismissing the present execution at this stage and as such, the present objections are hereby dismissed being frivolous and baseless, subject to cost of Rs. 5,000/- to be paid to DH by the Jds/objectors. Now to come up on 25.08.17 for filing draft sale deed.”

Learned counsel for the petitioners has submitted that there is *inter se* dispute amongst the judgement-debtors being legal heirs of Amar Singh and, therefore, a prior notice to all the legal heirs was necessary.

I have considered the submission of the learned counsel for the

petitioners.

A decree for specific performance of agreement to sell was passed in favour of the decree-holder. As per the judgement passed in the suit for specific performance of the agreement to sell, the decree-holder was required to deposit the balance sale consideration. The decree-holder has complied with the aforesaid direction.

Any *inter se* dispute between the legal heirs of the judgement-debtors cannot be subject matter of litigation in the present execution petition.

In view of the above, the revision petition is dismissed.

(ANIL KSHETARPAL)
JUDGE

14.09.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No