

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

CR No.6895 of 2017 (O & M)

Date of decision :09.10.2017

Amarjit Singh (now deceased) through his LRs

...Petitioner

Versus

Balbir Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Arora, Advocate for
Mr. Siddharth Joshi, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

Judgment-debtor is in Revision Petition against order dated
22.08.2017 dismissing his objection petition.

It is not in dispute that decree for possession was passed against
the defendants on 04.02.2013. The decree-holders are seeking execution of
the aforesaid decree. Judgment-debtor had filed objection petition on the
ground that first appeal is pending against the aforesaid decree. It was
further submitted that Rachhpal Kaur, one of the decree-holders had sold
the property wherein it is recorded that she is in possession although she
was seeking possession through Court.

I have considered the submission of learned counsel and with
his able assistance gone through the record of the case. Mere pendency of
the appeal does not amount to stay of execution. It is for the petitioner-
judgment debtor to pray for stay before the learned First Appellate Court.

Second objection of learned counsel for the judgment debtor is
that Rachhpal Kaur vide executing a sale deed had claimed herself to be in
possession of property. Be that as it may, once there is a decree for

possession in favour of the decree-holder, the decree-holder is entitled to execute the same. Merely because in a document one of the decree-holders has mentioned something, which is factually incorrect, would not defeat the right of the decree-holder to seek execution of the decree.

Hence, the revision petition is dismissed.

09.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No