

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

**CR No.7821 of 2017**

**Date of Decision: 13.11.2017**

Kesar Khan

.....Petitioner

Versus

Darbara Singh @ Dalbara and others

... Respondents

**CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Ms. Ekta Kaalia Arora, Advocate  
for the petitioner.

\*\*\*

**RAJ MOHAN SINGH, J.**

[1]. This revision petition has been preferred by the petitioner against the order dated 26.07.2017 passed by the Additional District Judge, Sangrur vide which the appeal against the order dated 16.02.2015 passed by Civil Judge (Junior Division), Malerkotla was dismissed.

[2]. In execution of Civil Court decree dated 01.09.2017, objections under Order 21 Rule 58 CPC were filed by the objector/petitioner. The suit land is part of a house measuring 3 biswas situated within the *lal lakir* of the village Bhudan. The objections were filed on the grounds that maternal grand-mother of the objector i.e. Noori wife of Fateh Din was in possession of the property. She executed oral gift in respect of house measuring 3 biswas in favour of mother of the objector i.e. Naziran. Thereafter, Naziran executed agreement to sell dated 15.12.2006 in favour of the objector involving consideration of

Rs.1,00,000/-. Judgment debtors of the decree are the grand sons of Fateh Din. In this way, objector being Bua's son of judgment debtors has staked his claim in the form of objections on the strength of oral gift followed by alleged agreement to sell.

[3]. The Courts below have found that the objector along with others were also arrayed as defendants No.3 to 11 in the main suit, wherein written statement was filed on the basis of oral gift executed by Noori wife of Fateh Din in favour of Naziran.

[4]. Since the suit was decreed, therefore, Civil Court decree would bind the objector as well. The objector has tried to re-agitate the same issue in the objections for which warrant of possession was issued and no attachment was done. In my considered opinion, the objector cannot maintain such type of objections in view of the fact that the claim on the basis of oral gift and agreement to sell dated 15.12.2006 was made during pendency of the suit and now it would not advance the case of the objector in any manner. The objector and others were arrayed as defendants No.3 to 11 in the main proceedings and having suffered the decree, the objector cannot turn around and claim sustenance of objections on the same grounds on which the defence projected by him along with others was not accepted by the Court while decreeing the suit of the decree

holder.

[5]. Both the Courts below have dismissed the objections by taking realistic approach and the orders are not found to have suffered with any error of jurisdiction or perversity of any kind. This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

13.11.2017  
prince  
**Whether Reasoned/Speaking**  
**Whether Reportable**

**(RAJ MOHAN SINGH)**  
**JUDGE**  
**Yes/No**  
**Yes/No**