

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.876 of 2015
Date of decision: January 23, 2017

Bharat Bhushan and others ...Petitioners

Versus

Sham Dass Sharma through LR
Sudesh Rani and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Manhas, Advocate for the petitioners.
Mr. Harminder Singh, Advocate for the respondents.

Rajan Gupta, J.(oral)

Present revision is directed against the order dated 28.01.2015, passed by the executing court, dismissing the objections filed by the petitioner/objectors.

Learned counsel for the petitioners has mainly contended that suit was dismissed as withdrawn as against respondents No.7 and 8, thus, decree could not be executed against them.

I find no merit in the plea. Admittedly, petitioners are subsequent purchasers of the property during pendency of the suit. Same was decreed on 8.5.2000. They are, thus, governed by principles of *lis pendens*. It is evident that the plea that suit was dismissed as withdrawn qua defendants No.7 and 8, has been raised only to mislead the court. It is also evident that only petitioners have stake in the property as they have purchased the same during pendency of litigation. They have been trying to

delay the proceedings by raising one frivolous plea or the other. Normally, such conduct would entail exemplary costs. However, this court refrains from doing so at this stage. It, however, deem necessary to direct the executing court to expedite the proceedings and ensure that decree stands executed at the earliest. It will be at liberty to direct police help, if permissible in law.

Dismissed.

(RAJAN GUPTA)
JUDGE

January 23, 2017
'Rajpal'