

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 9028 of 2017 (O&M)

Date of Decision: 21.12.2017

Harjinder Singh and another

.....Petitioners

Versus

Gurbachan Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Surinder Garg, Advocate
for the petitioners.

ANITA CHAUDHRY, J

CM-27741-CII-2017

This is an application to implead the legal representatives of deceased Kaur Singh-respondent No. 7.

The application is allowed subject to all just exceptions.

The legal representatives of deceased Kaur Singh-respondent No. 7 are brought on record for the purposes of this petition.

CR-9028-2017

The petitioners are aggrieved by the dismissal of their application wherein they were seeking stay of the execution proceedings.

I have heard the counsel for the petitioner at length.

A suit for partition had been filed by Gurbachan Singh and others against Kaur Singh. A preliminary decree was passed and subsequently a final decree was passed. The plaintiffs/decreed holders filed an execution petition. The sons of Kaur Singh during the lifetime of Kaur

Singh filed a suit against Gurbachan Singh and others challenging the

preliminary decree and the final decree and were seeking stay of warrants of possession issued in the execution petition. The trial Court had dismissed that application.

Aggrieved by the dismissal of the said application, this petition has been filed.

The contesting respondents are pursuing their execution petition as there is a decree in their favour. The decree had been passed against Kaur Singh, father of the petitioners. It appears that no appeal/second appeal was filed by Kaur Singh. The Executing Court could not have stayed its hands as there was a decree in favour of the decree holders. The decree till date stands and has not been set aside. It will have to be seen whether the legal heirs of Kaur Singh could subsequently challenge the decree passed against their father which has attained finality.

I find no infirmity in the order.

The petition is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

December 21, 2017

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No