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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.3959 of 2018 (O&M)
Date of Decision:02.07.2018

Gurmeet Kaur ... Petitioner

Vs.

Gurmeet Singh Sekhon ... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Arshdeep Singh, Advocate, for
Mr. G. S. Ghuman, Advocate,
for the petitioner.

Amol Rattan Singh, J.

By this petition, the petitioner challenges the impugned order dated 17.05.2018 (copy Annexure P-1), passed by the Additional Civil Judge (Senior Division), Patiala, dismissing the objections filed by the petitioner (judgment-debtor) in the execution proceedings initiated by the respondent-decree-holder.

The contention of the petitioner before that Court was that she had purchased the house in question (no.EWS 5627, Urban Estate, Phase-II, Patiala), from one Satpal, upon having paid full consideration to him, with the said person also having bestowed a general power of attorney vide a registered instrument because of that, with actual physical possession of the house also having been handed over to the petitioner-JD on 18.09.2003.

It was further contended that the sale deed was not executed in view of the fact that the Punjab Urban Development Authority, i.e. the authority that had allotted the suit property to the original allottee, had imposed a moratorium on such a transfer, for a period of ten years.

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As per the petitioner, she continued to reside in the said house, where she had also installed an electricity connection in her name.

The next contention of the petitioner in her objections before the Executing Court was that house no.EWS 5628 was owned and possessed by one Jawinder Singh, which was purchased by the respondent-DH and that the said house had been purchased by the Decree-Holder with the money of the petitioner-JD, as was lying deposited with him, she being a domestic help in his house but not drawing her salary.

Allegedly, being an innocent lady she was assured by the Decree-Holder that he was "collecting the amount" which she could get in a lump-sum at the time of need. It was further alleged by the petitioner in her objections that being a single lady, she had developed physical relations with the Decree-Holder who also gave her house no.5628 as a gift.

Thus, in fact, as per the petitioner, she was in continuous and uninterrupted possession of both the houses, but due to certain differences with the Decree-Holder (respondent), she left her job, her further allegation being that he had started blackmailing her and was forcing her to "oblige his friends etc." and upon her refusal, he started threatening to dispossess her from the house forcibly.

2. In his reply before the Executing Court, the respondent herein denied all the aforesaid allegations and objections, which he stated were filed only to gain time.

3. Having considered the aforesaid pleadings, the learned Executing Court held that the petitioner-JD had failed to prove on record any document with regard to her possession and ownership over the suit property, with even the regular second appeal filed by her before this Court against the judgment

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and decree in question having been withdrawn by her.

Hence, holding that the Executing Court cannot go beyond the decree, the objections of the petitioner were rejected.

4. Before this Court, Mr. Arshdeep Singh, learned counsel appearing for the petitioner, in essence reiterated the objections raised before the learned Executing court, but when posed a query by this Court as to how the impugned order was erroneous, he could not actually make any argument against it.

5. Having considered impugned order, it also not being denied by learned counsel that even the second appeal filed by the petitioner against the judgment and decree in favour of the respondent, had been withdrawn by her, I see no ground to interfere with the said order.

Consequently, this petition is dismissed.

02.07.2018 **(AMOL RATTAN SINGH)**
pk/dinesh **JUDGE**

1.Whether speaking/reasoned? Yes
2. Whether reportable? Yes