

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

CR No.483 of 2018 (O&M)  
Date of decision : 31.05.2018

Somoti (deceased) through her LR Chatar Singh

...Petitioner

Versus

Ramji Lal (deceased) through LRs and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Keshav Pratap Singh, Advocate  
for the LR's of respondent Nos.1 and 2.

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**ANIL KSHETARPAL, J. (ORAL)**

The Judgment Debtor-petitioner is in the revision petition against the order passed by the Executing Court dismissing the objections.

A decree for possession by way of specific performance of the agreement to sell was passed on 25.02.2004. First appeal as well as Second appeal filed against the aforesaid judgment was dismissed. The only objection filed by the Judgment Debtor-petitioner is that some construction exist on the land and the decree passed is silent qua the same. He submitted that a fresh decree cannot be executed.

In the considered opinion of this Court, in this manner, a decree passed by the Court cannot be allowed to be frustrated. The construction on the property is part of the aforesaid property. The parties at the time of

entering into the agreement to sell were aware of the construction existing at the land. Such being the position, the price of the property was agreed to, keeping in view the same.

In any case on persuasion of this Court, the Decree Holder has agreed to pay over and above the decreed amount, ₹7,00,000/- towards cost of construction to the Judgment Debtor. Such being the position, the Decree Holder shall deposit additional sum of ₹7,00,000/- before the Executing Court within a period of one month apart from the amount decreed and thereafter entitled to proceed with the execution.

In view of the above, the present revision petition is dismissed.

**31.05.2018**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-                      Yes/No**

**Whether reportable:-                                      Yes/No**