

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

**Civil Revision No.6067 of 2018(O&M)
Date of Decision: 11.9.2018**

Savitri Devi

.....Petitioner

Vs

Rajo Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashok K. Sharma (Bhana)
for the petitioner.

RAJ MOHAN SINGH, J.(oral)

Petitioner has assailed the orders dated 7.7.2018/
21.8.2018 passed by Civil Judge (Jr.Divn.) Kaithal and order
dated 5.9.2018 passed by the Additional District Judge, Kaithal,
whereby third party objections filed by the petitioner were
dismissed.

Decree was passed on 20.1.2012 and the defendants
were directed to vacate the suit property and hand over the
possession of the suit property to the plaintiff within one month
from the date of passing of the decree.

The objector-petitioner filed third party objections
under Order 21 Rule 97 CPC on the basis of sale deed dated
20.9.2016 on the ground that in pursuance of the aforesaid sale

deed possession was handed over to the petitioner/ vendee lis pendens. Surprisingly, one of the vendor of the objector is a decree holder i.e. Ramphal son of Bhagta.

A bare reading of Order 21 Rule 97 CPC would show that the rule in terms of Order 21 Rules 97 to 101 CPC is not applicable in case of vendee lis pendens, who has purchased the property during pendency of the suit. In the instant case, the petitioner has purchased the suit property even after the decree passed by the civil Court on 20.1.2012. The petitioner has purchased the property on the basis of a calculated risk and in these circumstances, it can be held that the petitioner has purchased the litigation. All vague and frivolous objections need not to be decided by following proper procedure in terms of Order 21 Rule 97 CPC.

In **M/s Sunil Auto Service vs. Parikshant Suri and others, 2011 (1) RCR (Rent) 452**, it was held that it is not legally incumbent upon the executing court to try every objection which appears to be frivolous and vexatious by way of following proper procedure of framing issues and allowing the parties to lead evidence. Frivolous objections are not necessarily to be decided by way of following proper procedure and the same can be rejected summarily. In **Rana Mahajan and another vs. Shri Purshottam Krishan and other, 2014 (2) RCR (Civil) 331**, resistance at the instance of person having no locus should be

treated to be mere attempt to delay the execution of the proceedings.

If the aforesaid proposition of law is read in conjunction with Order 21 Rule 102 CPC, the only irresistible conclusion is that the objections filed by the petitioner cannot be entertained. No error of jurisdiction can be noticed in the impugned orders passed by the Courts below.

This revision petition is found to be devoid of merits and the same is accordingly dismissed.

September 11, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking	Yes/No
Whether reportable	Yes/No