

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

**CR No.610 of 2018 (O&M)
Date of Decision:09.02.2018**

Gurbachan Kaur and another

...Petitioners

Versus

Gurmej Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Veneet Sharma, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The judgment debtors are in the revision petition against the order passed by the Executing Court, dismissing the objections filed under Section 47 of the Code of Civil Procedure.

The Executing Court, while dismissing the objections, has noticed that decree holder had purchased the property through a registered sale deed, which apart from giving the size of the property, has also given the description of the property on all four directions to facilitate identification of the property in dispute. The Executing court has also noticed that while filing the suit, decree holder once again gave the same description of the property on all four directions. The suit filed by the plaintiff-decree holder was decreed. The aforesaid decree has become final. The main objection of the judgment debtors-petitioners is that now the decree for possession is sought to be executed from a part of House No.245, whereas in the plaint, number of the house was mentioned as 176. The Executing Court, after examining the record, has recorded the finding that irrespective of the number, the property, which was sold and for which a

decree for possession was passed in favour of the decree holder, is part of this house. Once the decree passed by the court also identified the property by giving details of the property situated on all the four directions, the court held that it is part of House No.245.

Although learned counsel for the petitioners has vehemently argued that the property is different, however, a bare look at the registered sale deed, which has been produced on the file and copy of the decree, proves that the plaintiff-decree holder had filed the suit with regard to the property which was purchased by him through sale deed dated 24.12.2003. The decree passed by the court has to be given effect to. The judgment debtors have already delayed the execution for quite long.

In view thereof, there is no scope for interference in the impugned order passed by the executing court. The present civil revision petition is dismissed. All the pending miscellaneous applications, if any, shall also stand disposed of.

Dismissed.

09.02.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No