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

**Civil Revision No.8492 of 2018
Date of Decision: 14.12.2018**

BAGICHA SINGH

.....Petitioner

Vs

GURCHARAN SINGH AND ANR

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Suresh Kumar Aneja, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has preferred this revision petition seeking direction the executing Court to decide the objections filed by him in accordance with law before finalizing the execution proceedings.

[2]. Only grievance of the petitioner is that the without deciding objections filed by the judgment-debtor, draft sale deed has been prepared.

[3]. Perusal of the objections would show that the judgment-debtor is having share in the joint land to the extent of 113/272 shares in total land measuring 27 *Kanals* 4 *Marlas* that comes out to be 226 *Marlas*. The decree relates to 281 *Marlas* of land.

[4]. Learned counsel for the petitioner submitted that without partition, sale deed cannot be executed.

[5]. The aforesaid submission has no worth in the eyes of law as the doctrine of co-sharership envisages that even specific khasra numbers out of joint property can be subject to sale and there is no impediment in the eyes of law. Such transfer would be subject to partition between the parties by metes and bounds at the relevant stage. Even if, the decree relates to 281 *Marlas* of land, the judgment-debtor is bound to satisfy the decree to the extent of his share leaving the decree-holder to avail his legal remedies in respect of remaining land in accordance with law.

[6]. During course of arguments, learned counsel submitted that draft sale deed has already been prepared.

[7]. Even if, objections are not decided this Court while taking cognizance of the matter, afforded an opportunity to learned counsel for the petitioner to explain nature of his objections.

[8]. Learned counsel reiterated the objections in respect of joint land in which objector has a share to the extent of 113/272 shares in 27 *Kanals* 4 *Marlas* of land.

[9]. It is a settled principle of law that all frivolous objections are not to be decided by the executing Court by

following proper procedure.

[10]. Having heard, learned counsel for the petitioner, I do not see any substance in the objections raised by the petitioner. This revision petition is accordingly dismissed.

December 14, 2018

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No