

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

C.R. No.9571 of 2018 (O&M)  
Date of Decision.17.12.2018

Rani Kaur

....Petitioner

Vs

Piara Singh (since deceased) through LRs and others

...Respondents

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Raman Mohinder Sharma, Advocate  
for the petitioner.

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**AMIT RAWAL J. (ORAL)**

The present revision petition is directed against the impugned order dated 26.11.2018 whereby application of the petitioner for delivering possession having stepped into the shoes of Jaswinder Singh, plaintiff No.2 and other co-sharer by virtue of sale deeds dated 03.07.2015 and 09.06.2015, has been dismissed.

Mr. Sharma, learned counsel appearing on behalf of the petitioner submitted that Piara Singh and Jaswinder Singh filed the suit for possession of the following suit property:-

*A) Suit for decree of possession in respect of House existing in land measuring 0-4 biswas comprised in Khata No.171/247 Khasra No.351/0-4 situated in the revenue estate of Patti Khalil, Sherpur and bounded as under:-*

*North: Inder Singh son of Jeet Singh, side 38'*

*South: Street side 38'*

*East: 47'6" House of Makhan Singh*

*West: side 47'-6" House of Dalip Singh*

*Situated in the revenue estate of Patti Khalil Sherpur, which is in illegal and unauthorized possession of the defendants.*

*B) And suit for a decree of permanent injunction restraining the defendants from changing the nature and condition of the house in dispute by raising any sort of construction over the suit property or in any other manner".*

The aforementioned suit was decreed vide judgment and decree dated 21.05.2014. The petitioner purchased the share of Jaswinder Singh, another co-sharer vide sale deeds aforementioned. Though third party objections were filed but the same were dismissed and would have no bearing in the execution of the application, as the impugned order (Annexure P-10), prima facie, if construed in its letter and spirit, is only for issuing warrant of possession of the suit property in favour of Piara Singh. It is matter of record that petitioner-Rani Kaur, who has stepped into the shoes of plaintiff No.2, is the wife of judgment debtor, Darshan Singh.

I am afraid aforementioned argument is not sustainable as the execution application is being filed on behalf of both the plaintiffs. Even if she is wife of Darshan Singh, has stepped into shoes of Jaswinder Singh and thus, could seek execution of judgment and decree as per Order 22 Rule 10 CPC. The impugned order, thus, cannot confine to issuance of warrant of possession only to Piara Singh but to the other decree holder Jaswinder Singh, who has

assigned right in favour of petitioner.

While upholding the impugned order, the revision petition is disposed of.

(AMIT RAWAL)  
JUDGE

November 17, 2018

Pankaj\*

Whether Reasoned/Speaking      Yes/No

Whether Reportable                      Yes/No

