

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

**CR No.2821 of 2018(O&M)
Date of Decision: 22.11.2019**

Ranjit KaurPetitioner
Versus
Kuldip Singh and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. Puneet Kumar Bansal, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition under Article 227 of the Constitution of India for issuance of an appropriate order or direction for modification of order dated 24.01.2018 passed by Additional Civil Judge (Senior Division), Ferozepur to the extent of protecting the interest of the petitioner who claims herself to be a *bona fide* purchaser vide sale deed dated 07.04.2016.

[2]. Petitioner was one of the objectors who had filed third party objections. The persons namely Gurbir Singh, Bachittar Singh and Ranjit Kaur filed third party objections on 18.07.2017. Judgment debtor Gurdev Singh also filed objections on the

ground that the decree under execution cannot be enforced. Judgment debtor sold the land measuring 29 kanals in favour of third party objectors Gurbir Singh etc. vide sale deed dated 22.03.2016. Bachittar Singh son of Gurdev Singh also sold land measuring 9 kanals in favour of the petitioner vide sale deed dated 07.04.2016.

[3]. Decree holder Kuldeep Singh filed a suit for specific performance against the judgment debtor Gurdev Singh. The suit was decreed vide judgment and decree dated 09.01.2012. Judgment debtor Gurdev Singh preferred an appeal before the Lower Appellate Court which was dismissed and thereafter, he filed RSA No.5502 of 2014 before the High Court which was also dismissed. Judgment debtor was contesting the substantive litigation and remained unsuccessful in the hierarchy of Courts upto High Court. The suit for specific performance of agreement to sell dated 08.08.2002 was decreed in respect of suit land measuring 15 kanals 17 marlas being half share of land measuring 31 kanals 7 marlas comprised in rectangle No.56, killa No.12/2(4-0), 17(8-0), 14(8-0), 13/2(4-0), 24(7-7) situated in the revenue estate of village Bhambha Landa, Tehsil and District Ferozepur. Judgment debtor was directed to execute the sale deed as per conditions of agreement to sell dated 08.08.2002 within a

specified period on receiving balance sale consideration from the decree holder, failing which the decree holder was held entitled to seek assistance of the Court.

[4]. The cross-objections filed by the judgment debtor were found to be baseless and were accordingly dismissed. Third party objectors namely Gurbir Singh and Bachittar Singh are sons of judgment debtor Gurdev Singh. The transfers have been effected during pendency of the litigation and the same are hit by principles of *lis pendens*.

[5]. It is a settled principle of law on the basis of ratio laid down in **M/s Sunil Auto Service Vs. Parikshant Suri and others, 2011(3) Civil Court Cases 521 (P&H)** that frivolous objections are not necessary to be decided by way of following proper procedure of framing issues. Even otherwise, dismissal of third party objections would form a decree under Order 21 Rule 103 CPC and would be appealable.

[6]. Viewed from any angle, the impugned order is not found to be suffered with any error of jurisdiction or perversity. There is no scope to interfere in this revision petition and the same is accordingly dismissed.

22.11.2019

Prince

Whether reasoned/speaking

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No