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

CR No.400 of 2019

Date of Decision: 24.01.2019

Sanjay

..... Petitioner

Versus

Anil and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Onkar Rai, Advocate with
Ms. Bhavna Grewal, Advocate
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

This revision is directed against the order dated 29.10.2018 passed by the Ld. Civil Judge (Junior Division), Hansi in Execution case No.10 dated 07.09.2017. Vide the impugned order, the objections filed on behalf of the petitioner, who otherwise happens to be a third party in the execution proceedings, were dismissed.

2. The petitioner had claimed to be in possession of the property which is the subject matter of the Decree passed in favour of respondent No.1. He claimed to have acquired the said property by way of having taken possession after execution of an Agreement to Sale in his favour by one Narender, who happens to be the son of the original Judgment Debtor-respondent No.2-Sajjan Kumar. The petitioner's case is that Narender had acquired his right, title and interest in the suit property by virtue of an unregistered family settlement in terms of which he became owner of the

same even before the Decree Holder had sought for any relief by way of specific performance/possession.

3. To substantiate the claim that his alleged transferee Narender had a valid right, title and interest in the decretal property, reliance has been placed upon a Division Bench decision of this Court passed in “***Ram Kishan and another vs. Bijender Mann alias Vijender Mann and others***” wherein it was held that by virtue of the proviso to Section 49 of the Registration Act, even an unregistered document by way of an agreement can form the basis of a suit for specific performance.

4. On a close consideration of the facts and circumstances of the present case, however it is clear that the decision relied upon does not help the present petitioner, since admittedly he so far only claims to have been '**put into possession**' of the decretal property but undoubtedly as yet he has not acquired any legal title to the same nor had he even filed any suit for specific performance on the basis of the alleged agreement executed in his favour by the son of the Judgment Debtor. His alleged occupation as claimed, even assuming it to be true, does not give him any lawful title to the disputed land.

5. For the above reasons, this Court finds no illegality and impropriety in the impugned order dated 29.10.2018 (Annexure P-3) passed by the Ld. Civil Judge (Junior Division), Hansi and the present revision petition, thus, stands dismissed.

January 24,2019

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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No