

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

CR-1164-2019

Date of Decision: 18.03.2019

Manpreet Singh

...Petitioner

Vs.

Prem Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Satpreet Grewal, Advocate,
for the petitioner.

Mr. Sanjeev Patiyal, Advocate,
for respondent No.1.

Mr. Pardeep Sharma, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (Oral)

Parties are present in person in view of the last order. Even though the parties are closely related to each other and the petitioner is the son of respondent No.1 but still no amicable resolution of the dispute could be brought out between them.

Further the respondent No.1-Father has declined to have the matter referred to Mediation.

Consequently, the matter is taken up for hearing.

Heard. Considered.

This revision is directed against the order dated 30.07.2018 passed by the learned Civil Judge (Jr. Divn.), Chandigarh in execution case pending before the said Court.

Vide decree passed in favour of respondent No.1/deGREE holder by the learned Court below in C.R. No.8080 of 30.07.2010/2013, the suit

was decreed in a preliminary form on 11.7.2016, after which, the decree holder approached the said Court for passing a final decree but it was apparently reported to the Court by the Local Commissioner appointed for this purpose that the partition of the property could not be done. The Court, therefore, through the impugned order directed that the decretal property be put to auction.

Contention of the petitioner/judgment-debtor is that the said property which happens to be a residential premises is actually a Lease-hold property, and also the sole dwelling place of the petitioner.

Neither of these two submissions help the petitioner to avoid the said decree. It is immaterial whether the property in question happens to be Lease-hold or Free-hold for the purpose of its auction and since admittedly the decree holder alongwith the other parties has an equal right and interest in the said property, therefore, there is certainly no other way to satisfy the decree except by way of auctioning the same when the parties could not come to any other means of settlement to satisfy the decree.

Accordingly, this Court, therefore, does not find any reason to interfere with the impugned order.

Dismissed.

18.03.2019

rajeev

**(SUDIP AHLUWALIA)
JUDGE****Whether speaking/reasoned****Yes/ No****Whether reportable****Yes/ No**