

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

**ESA NO.25 OF 2019 (O&M)
DATE OF DECISION: 04.07.2019**

GURDEV KAUR

...APPELLANT..

VERSUS

RAJINDER SINGH

...RESPONDENT..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Atul Goyal, Advocate,
for the appellant.

RAMENDRA JAIN, J. (ORAL)

Through this execution second appeal, the appellant as third party objector has laid challenge to order dated 18.04.2019 of the appellate court affirming the order of the executing court dated 09.07.2018, whereby, third party objection petition was dismissed.

Heard.

The instant appeal is completely merit-less for the reasons to follow:-

The appellant is claiming title and possession over suit property on the basis of unregistered agreement to sell dated 31.07.1973.

The said agreement being unregistered has no evidentiary

value, nor confers any right, title or interest in favour of the petitioner over the suit property, of which, the respondent-decree holder has been declared owner upto this Court.

Judgment and decree dated 16.04.2010 passed by Civil Judge (Junior Division), Ludhiana, in favour of the respondent-decree holder has attained finality, being not further challenged by the judgment debtor, who is none else, but real son of appellant.

It is a clear cut case of dishonest intention, conspiracy and connivance of the appellant and her son-judgment debtor, to scuttle the legal rights of the respondent-decree holder by taking all available frivolous pleas, for which, the decree holder was forced to fight upto this Court.

This execution second appeal is not maintainable, inasmuch as, no substantial question of law is involved. Therefore, it is termed as a complete abuse of the process of law.

The appellate court has specifically observed in the impugned judgment that the appellant/objector was very much present during hearing of regular second appeal before this Court filed by her son against the respondent/decreed holder and had categorically admitted that her suit against the respondent-decree holder was dismissed in default on 01.09.2017, which has not yet been restored. Hence, it is a second round of litigation by the judgment debtor at the behest of his appellant-mother, when they both could not succeed in their evil design to usurp the legal rights of the respondent-decree holder.

I have gone through the judgments of both the courts below and find no infirmity and illegality in the same.

Time has come to deal with such type of frivolous litigation with severe hand and, therefore, instant appeal is liable to be dismissed with exemplary costs. However, in the interest of justice, the same is not done.

Dismissed.

04.07.2019

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**(RAMENDRA JAIN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**