

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-4014-2019 (O&M)
Date of decision: 15.07.2019

Naranjan Singh now deceased through his LRs **...Petitioner(s)**

V/s.

Bhajan Singh and another **...Respondents**

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Sarju Puri, Advocate for the petitioner(s).

CM-13730-CII-2019

Application is allowed, as prayed for.

CM-14037-CII-2019

Application is allowed and complete typed copy of Annexure P-4 is taken on record.

CR-4014-2019

Learned counsel for the petitioner states that as per the order dated 02.05.2015 (Annexure P-4), the execution was partially satisfied.

On a specific query put, learned counsel for the petitioner states that only symbolic possession was given to the decree holder. A perusal of the order dated 22.04.2019 (Annexure P-1) shows that only symbolic possession was given to the decree holder and keeping in view this fact the executing Court has rightly rejected the objections filed by the judgment debtor.

The main objection of the judgment debtor was that the second application for institution was barred by *res judicata*. Since the suit of the plaintiff has been decreed by allowing the RSA No. 3432 of 1986 for specific performance of contract, the symbolic possession in itself cannot be

treated to be satisfied full decree. The judgment debtor was to execute the sale deed of 3 Kanals of land at village Jhingran on payment of Rs.10,875/- and symbolic possession in itself cannot be taken to be full execution of the decree, the objections have been rightly dismissed.

Revision is dismissed.

15.07.2019

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No