

CR No.4027 of 2019
Date of Decision: 04.07.2019

Rajbir

.....Petitioner

Versus

Suraj Bhan and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Ms. Alisha Soni, Advocate with
Mr. Mukesh Deshwal, Advocate
for the petitioner.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition has been filed against the order dated 30.05.2019 passed by the Civil Judge (Senior Division), Jhajjar (for short, the Executing Court), vide which, the application/objection of the petitioner for dismissing the execution petition, was dismissed.

While praying for setting aside the same, learned counsel for the petitioner submitted that the Executing Court has travelled beyond the decree. As per the decree, respondents were required to purchase the land measuring 42 Kanals 11 Marlas, whereas, the sale deed is ordered to be executed qua only 24 Kanals 2 Marlas.

The arguments of learned counsel for the petitioner has no merit.

It is evident from the decree that the suit property as mentioned was 24 Kanals 2 Marlas. Similar observations was also made in the RSA No.2187 of 2013. The SLP preferred by petitioner/JD No.1 was also dismissed. There is nothing to show that the decree was qua 42 Kanals 11 Marlas and not 24 Kanals 2 Marlas.

Learned counsel for the petitioner yet again insisted that the draft sale deed was not served upon him, which is a mandatory requirement. However, no such argument was raised by the JD/objector qua the same.

Learned counsel for the petitioner further submitted that an application was filed by the decree holder for appointment of Local Commissioner for execution of the sale deed in compliance of the impugned judgment and decree dated 04.01.2013 and it was allowed on the same day, whereas, it is mandatory to supply the copy of draft sale deed in compliance of Order 21 Rule 34 (2) of the Civil Procedure Code, 1908.

However, a perusal of the order dated 30.05.2019 (Annexure P-4) passed by the Executing Court shows that a direction was issued to execute the sale deed in favour of the decree holder after getting the draft sale deed approved from the Court. Thus, the stage to hand over the draft sale deed had not arrived and the petitioner could have very well moved an application before the Court concerned to supply him the draft sale deed, which was never done.

In view of the same, there is no reason to interfere with the order dated 30.05.2019 passed by the Executing Court.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

04.07.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No