

117

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

CR No. 5726 of 2019

Date of Decision: 13.09.2019

Kulwinder Singh

-Petitioner

Vs

Gulshan Kumar

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Mamli, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Objections filed by the defendant-judgment debtor were dismissed by the Executing Court vide the impugned order.

Objections were to the effect that there was no bargain for the sale of land in question in favour of the decree holder.

Defendant has also pleaded that signatures of the defendant were obtained on the pretext of representation as security of land and the agreement was not enforceable as the judgment debtor was also a co-sharer.

All these grounds were the subject matter of main course which were taken by the objector-defendant and were repelled by the Court dealing with the suit.

Suit for possession by way of specific performance was decreed against the defendant-petitioner and the sale deed was directed to be executed within two months from the date of decree. Remaining consideration has also been deposited by the decree holder.

Resultant consequence flows from the decree cannot be objected to by the judgment debtor in execution. The Executing Court cannot go beyond the decree.

Defendant-judgment debtor cannot plead all these grounds after having lost the same during the main course.

This revision petition is found to be totally devoid of merits and the same is accordingly, dismissed.

13.09.2019

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No