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

**Civil Revision No.6150 of 2019 (O&M)
Date of Decision: 26.09.2019**

Bhajan Singh

.....Petitioner

Vs

Bahal Singh and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Manu Loona, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 28.05.2019 passed by the Civil Judge (Sr. Divn.) Fazilka vide which the application filed by respondents No.1 and 2 for releasing the payment of Rs.1,17,498/- deposited by them was allowed and the said amount was allowed to be withdrawn from balance sale consideration.

[2]. The application for release of the aforesaid amount was filed by the decree holders namely Bahal Singh and Jeet Singh on the premise that a suit for specific performance was decreed against defendants No.1 to 3 namely Sona Singh, Jangir Kaur and Bhajan Singh vide the judgment and decree dated 07.01.2013 passed by the trial Court. The said decree has

already attained finality.

[3]. Vide the aforesaid judgment and decree the trial Court directed the decree holders namely Bahal Singh and Jeet Singh to deposit balance sale consideration within one month. The amount of Rs.5,83,815/- was deposited and the said fact has been confirmed by the report of Naib Nazir dated 27.05.2019. The decree was passed against three defendants. Sona Singh and Jangir Kaur had executed sale deeds which were registered on 26.02.2013 and 21.02.2013 respectively in favour of the decree holders. Bhajan Singh had already sold the suit property to the extent of his share to one Sohan Singh son of Deva Singh vide the sale deed 27.08.2008.

[4]. The decree holders on the aforesaid basis relinquished their right to get the sale deed executed from Bhajan Singh as he had already sold the land prior to passing of the decree. Decree holders have relinquished their claim against defendant No.3 Bhajan Singh and to that extent they sought withdrawal of the amount so deposited by them to the extent of share of Bhajan Singh. Since Bhajan Singh had already sold his property for a lawful consideration to his vendee, therefore, he cannot have double benefit of the land and precisely for that relief, the trial Court has allowed withdrawal of the amount of Rs.1,17,498/- in favour of the decree holders and remaining

amount is ordered to be released in favour of legal representatives of Sona Singh and Jangir Kaur in equal shares.

[5]. The grievance of the petitioner, that the sale deed executed by him was without consideration cannot be appreciated as for that relief the petitioner would be required to avail his legal remedies for recovery of consideration from his vendee (if the sale is without consideration).

[6]. No such consideration on the alleged plea of the petitioner can be entertained in this revision petition. The impugned order is not found to be the result of any error of jurisdiction or perversity of any type. This revision petition is accordingly dismissed.

September 26, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No