

ESA No.64 of 2019 (O&M)

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

ESA No.64 of 2019 (O&M)
Date of decision: 17.12.2019

Rajinder Kaur

.....Appellant

versus

Darbara Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Balbir Singh, Advocate, for the appellant.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, third-party objector has assailed order dated 27.11.2019 of the lower appellate Court, affirming order of the executing Court dated 3.05.2019, whereby her objections were dismissed.

Briefly, judgment-debtor Rajinder Singh, husband of the appellant, entered into an agreement dated 26.09.2008 with respondent No.1 to sell his house measuring 8 marlas comprising khewat No.313 khatauni No.352 khasra No.106//6/6, situated at Village Koom Kalan, Tehsil and District Ludhiana. However, he did not execute the sale deed on the agreed date in favour of respondent No.1-decree-holder. Therefore, respondent No.1 filed suit for possession by way of specific performance of the aforesaid agreement, which was decreed in toto *ex parte* by the trial Court vide judgment and decree dated 03.12.2016.

Judgment-debtor did not ever choose to challenge the aforesaid *ex parte* judgment and decree against him. Therefore, same attained finality.

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Respondent No.1-decree-holder filed execution petition for implementation of the aforesaid judgment and decree, wherein appellant filed third-party objections pleading that her husband was a drunkard and he withered away entire property, in his hand to satisfy his lust for alcohol and other vices. Respondent No.1-decree-holder having an evil eye on the suit property taking advantage of the bad habits of husband of the appellant, got signed some blank papers fraudulently from him without paying even a single penny as sale consideration and illegally got suffered *ex parte* judgment and decree dated 03.12.2016 in his favour.

Learned counsel for the appellant *inter alia* contends that suit property is the sole house of the appellant, wherein she resides with her children. In case, she is ousted from the suit property, appellant would come on the road having no other place for her abode. She is ready to pay earnest money along with interest.

Having given thoughtful consideration to the above submissions, this Court finds the instant appeal completely devoid of any merit for the reasons to follow.

Appellant failed to produce any evidence before the executing Court in support of her plea that her husband judgment-debtor was a drunkard and he spoiled entire property for satisfying his lust for alcohol and other vices. In the absence of such evidence, executing Court had no option, but to dismiss the objections of appellant.

No question of law much less substantial has been raised in this appeal. Thus, same is held not maintainable.

I have gone through impugned order of the executing Court and

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judgment of the lower appellate Court and find no illegality or perversity in the same being well-reasoned.

Dismissed.

(Ramendra Jain)
Judge

December 17, 2019
R.S.

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