

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

**CIVIL REVISION No.14 of 2020 (O&M)
DATE OF DECISION : 7th JANUARY, 2020**

Satpal Singh

.... Petitioner

Versus

Gurdev Singh & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Amandeep Singh Jawandha, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This revision petition under Article 227 of the Constitution of India has been filed by the petitioner for setting aside order dated 18.11.2019 passed by the Additional Civil Judge (Senior Division), Faridkot whereby the objections filed by the petitioner in execution application No.129 of 2017, pending for 10.01.2020, were dismissed; and also for setting aside the warrants of possession issued on 12.12.2019.

The main argument of the petitioner is that when the execution proceedings qua the decree in question were pending, the decree holder No.A, namely Gurdev Singh, had entered into an agreement with the present petitioner that the land, which is the subject matter of the decree, would be sold to the petitioner. He had also assured the petitioner that he would make other decree holders also agree to the proposition of selling the suit land to the petitioner. On that assurance, the petitioner had paid an amount of ₹5 lakhs to the said decree holder No.A, namely Gurdev Singh. As per the said agreement the execution proceedings were to be withdrawn by all the decree holders. However, the said step has not been taken by the decree holders. As a result, the proceedings of the execution are going on. In the said proceedings

warrants of possession have been issued by the executing court, leading to impending dispossession of the petitioner from the suit property. Therefore, it is submitted that on the one hand the petitioner has been made to pay ₹5 lakhs and on the other hand the proceedings of the execution have not been withdrawn by the decree holders. Hence, the prayer has been made that the proceedings of the execution be stayed.

Having heard counsel for the petitioner and having perused the file, this court does not find any force in the argument of the counsel for the petitioner. Admittedly, the decree holder No.A, namely Gurdev Singh, is not the only decree holder in the case. The decree is in favour of two more persons. Although, Gurdev Singh might have assured the petitioner for making the other decree holders also agree to the proposed agreement in favour of the petitioner, however, the fact remains that the other decree holders have not consented to the alleged agreement. They are continuing with the execution petition.

Hence, so far as the execution proceedings are concerned, there is no ground for stalling the same. The executing court is rightly proceeding with the execution proceedings, in accordance with law. This court does not find any ground to interfere with the same.

However, if there is an agreement of the petitioner with the alleged decree holder No.A, namely Gurdev Singh, then the petitioner may be at liberty to avail other remedies available to him, in accordance with law.

In view of the above, the present civil revision stands dismissed with liberty to the petitioner as aforesaid.

7th JANUARY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No