

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

**CR No. 6697 of 2018 (O&M)
Date of Decision: 12.02.2020**

Hardev Singh @ Major Singh

.... Petitioner

Versus

Satnam Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harmanpreet Singh Sehgal, Advocate
 for the petitioner.

Ms. Shubreet Kaur, Advocate
for respondents No. 1 to 4.

ANIL KSHETARPAL, J. (ORAL)

The judgment debtor has filed the present revision petition against order dated 17.08.2018 passed by learned Executing Court, dismissing the objections filed by judgment debtor No. 2. The Civil Court had passed decree dated 03.07.2014 in favour of 4 decree holders, operative part whereof reads as under:-

“This suit coming before me (Parinder Singh, PCS, ACJ (SD) Nihal Singh Wala) for final disposal in the presence of Shri S.P.S.Gill, Advocate, counsel for the plaintiffs, Shri K.S.Brar, Advocate, counsel for the defendants. It is ordered that the suit of the plaintiffs is decreed to the effect that they are entitled to possession or land measuring 2 kanals 12 marlas comprised in Khasra numbers 281 min (1-10) and 281 min (1-2) which is illegal possession of defendants.”

The aforesaid judgment and decree was affirmed by the High Court. The decree holders are now seeking possession in execution of the decree which is being objected to by the judgment debtor on the ground that

counsel submits that since the judgment debtor had purchased some part of the property, therefore, the decree holder should be directed to seek partition.

This Court has considered submission, however, find no merit therein. There is decree for possession in favour of the decree holders with respect to the land measuring 2 kanal, 12 marlas comprised in Khasra numbers 281 min (1-10) and 281 min (1-2). This decree has to be acted upon. The judgment debtor can not defeat the same by purchasing a small undivided share in the aforesaid property. Since, the judgment debtor is claiming to be subsequent purchaser of an undivided share, therefore, remedy for the judgment debtor is to seek partition and thereafter, claim possession. As of now, the decree as exists, has to be implemented.

Hence, there is no ground to interfere.

Petition dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

(ANIL KSHETARPAL)
JUDGE

12.02.2020
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	No