

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

CR No.841 of 2020(O&M)

Date of decision: 5.2.2020

Dilbagh Singh

.....Petitioner

VERSUS

Mohinder Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ritesh Aggarwal, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

Challenge in the present petition has been directed against order dated 04.01.2020 passed by the Civil Judge (Junior Division), Faridkot whereby objections against draft sale deed submitted by the respondent/decreed holder in whose favour decree for specific performance of agreement to sell has been upheld upto this Court, has been dismissed.

Counsel for the petitioner would argue that the petitioner/JD is ready to execute the sale deed in favour of the respondent/decreed holder but respondent/decreed holder may be called upon to furnish an undertaking that he will not make structural changes on the ground floor that can endanger safety of first and second floor of the building in question. Another submission made by counsel is that since the staircase on the ground floor leads to first and second floor of the building, the petitioner has the right to use the said staircase for having access to the first and second floors of the building.

The contentions sought to be raised by the petitioner/JD are beyond the scope of decree. Counsel has sought to express apprehension of the petitioner that may be a cause of grievance in future but the same cannot be allowed to stand in the way of execution of decree. As has been rightly held by the executing Court, it cannot go beyond the decree and has to execute the same as it is. I do not find any reason to interfere in the impugned order.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

FEBRUARY 5, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no