

CR-1098-2020 (O&M)

120

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

CR-1098-2020 (O&M)

Date of decision : 18.02.2020

Sarvjit Kaur @ Sarbjit Kaur

... Petitioner

Versus

Baldev Singh and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. P.S. Jammu, Advocate
for the petitioner.

ALKA SARIN, J. (ORAL)

The present revision petition has been filed against the order dated 24.01.2020, whereby the objections filed by the petitioner have been dismissed.

It is an admitted fact that Baldev Singh/respondent No.1 had filed a suit for specific performance of agreement to sell dated 16.09.2016 qua land measuring 2 kanals 0 marla. The said suit was decreed. First appeal as well as second appeal, both were dismissed. The present petitioner was a party to the said proceedings. In fact, the regular second appeal bearing RSA No.5343 of 2019 was preferred by the petitioner. Having lost upto this Court, the petitioner filed objections before the Executing Court on the ground that the property was joint between the co-sharers and has not been partitioned and in that view of the matter, the execution could not be ordered. The Executing Court after hearing both the parties dismissed the objections of the petitioner holding as under:-

CR-1098-2020 (O&M)

“7. So far as the objections of the judgment debtor Sarvjit Kaur that the property in question is joint between shareholders, therefore, the decree holder is not entitled for the possession of the suit land is concerned, it is well settled law that in case any of the co-sharer sells his share in the joint holding the vendee steps into the shoes of vendor and he can claim joint possession/symbolic possession of the share being purchased by him.”

Having lost by to this Court, the petitioner cannot be permitted to stall the execution by filing frivolous objections. The Executing Court while dismissing the objections of the petitioner has rightly held that in case, a co-sharer sells his share, the vendee steps into the shoes of the vendor and can claim joint/symbolic possession.

No other point was urged.

The view taken by the Executing Court is as per the settled law and I do not find any illegality, infirmity or perversity in the said order.

In view of the above, the present revision petition is dismissed.

18.02.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**