

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2414 of 2021 (O&M)

Date of Decision: 26.10.2021

Lokesh

... Petitioner(s)

Versus

Ajit Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Anil Kumar Saini, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner assails the correctness of the two orders passed by the Executing Court on 28.07.2021. In the first order, an application filed by the petitioner under Order I Rule 10 CPC was dismissed, whereas through the second order, the objection petition filed by him was also dismissed.

2. Some facts are required to be noticed. Sukhbir Singh (the petitioner's father) was the owner in possession of the suit property. He executed an agreement to sell in favour of the decree holder on 09.03.2010. Since Sukhbir Singh did not honour the agreement to sell, therefore, the decree holder i.e. the respondent No. 1 filed a suit for possession by specific performance of the agreement to sell. The suit was decreed and the judgment and decree passed by the trial Court has been upheld by the Hon'ble Supreme Court vide judgment dated 30.04.2021. During the pendency of the suit, the land was acquired. The Hon'ble Supreme Court

held that the decree holder shall be entitled to the amount of compensation except an amount of ₹3,00,000/-.

3. The petitioner is the son of Sukhbir Singh. He claims right, title or interest in the property on the basis of the release deed dated 20.07.2010. This release deed was executed after the execution of the agreement to sell dated 09.03.2010. Therefore, the rights of the petitioner, if any, are subservient to the rights of the decree holder-respondent No.1. The petitioner claims to be the successor-in-interest of Sukhbir Singh. Hence, the petitioner is bound by the aforesaid judgment and decree passed by the Courts.

4. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

October 26, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No