

**113IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-2962-2021 (O&M)

Date of decision: 26.11.2021

Mangal Singh (since deceased) through his Legal Representative
Harbans Singh

....Petitioner

Versus

Hardev Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.V.Sharma, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

It is surprising that the petitioner, being a legal heir of Late Sh. Mangal Singh, the decree holder, has filed the present revision petition. Learned Executing Court, while dismissing the objection petition, has observed as under:-

“Resultantly, the objections pleaded by Kirpal Singh, being devoid of merits are dismissed. Let warrant of possession in favour of decree holder through L.R Hardev Singh (who has been held entitled by civil court on basis of Will of DH to inherit estate of Decree Holder) be issued of area marked BHIIJ, as per decree dated 02.08.2000. A copy of decree and site plan of suit property be attached with the warrants. For awaiting report the case is adjourned to 31.1.2020.”

The petitioner claims that he is also one of the legal heirs of the decree holder. He further submits that the appeal filed by the petitioner is pending.

Sh. Mangal Singh was the decree holder. Sh. Hardev Singh

was brought on record on the basis of a Will. There appears to be inter se dispute amongst the children of Sh. Mangal Singh.

In this situation, the petitioner has no right to stall the execution of the decree. If the petitioner ultimately establishes a right in the property, he shall be entitled to file appropriate suit or application in accordance with law.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

26.11.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE