

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

Civil Revision No.3013 of 2021
Date of decision: 30.11.2021.

Ajaib Singh

...Petitioner

Versus

Bhupal Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Gupta, Advocate,
for the petitioner.

ANIL KSHETARPAL, J (Oral)

The decree holder assails the correctness of the order passed by the Executing Court, dated 07.10.2021, whereby in a third party objection, the Court has framed the following issues:-

- “1. Whether the agreement to sell dated 6.5.2004, allegedly executed by JD/Bhupal Singh, in favour of DH Ajaib Singh, qua the suit property, is wrong, illegal, null and void and the same is liable to be set aside, as prayed for? OP Objector/Arinder Pal Singh.
2. Whether the rights of objector/Arinder Pal Singh being bona fide purchaser are protected under the Transfer of Property act, 1882? OP Objector/Arinder Pal Singh.
3. Whether the objections filed by objector are not legally maintainable, in the present form?OPDH
4. Whether the objector/Arinder Pal Singh has concealed the true and material facts from the Court?OPDH
5. Whether the principle of lis pendens applies in the present case?OPDH.
6. Releif.”

The learned counsel representing the petitioner contends that a decree for possession by way of specific performance of the agreement to sell was passed in favour of the petitioner on 13.09.2010 and in the execution thereof, the petitioner has not been granted the relief. He submits that more than 10 years have passed after the judgment and decree has become final.

Since the Executing Court has only framed the issues, therefore, it is not considered appropriate to opine on the merits of the case. However, keeping in view the fact that the execution petition is with respect to a decree passed in the year 2010, hence, the Executing Court is directed to ensure that the execution petition is finally disposed of within a period of six months from this order, positively.

Disposed of accordingly.

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

November 30, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No