

CR-365-2022 (O&M)
CM-969-CII-2022
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Date of Decision: 04.02.2022

PALA SINGH @ JAGPAL SINGH

...Petitioner

Versus

SUBHASH KUMAR AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.S. Randhawa, Advocate
for the petitioner.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petition herein, under Article 227 of Constitution of India is for setting aside the impugned order dated 27.10.2021 (Annexure P-4), whereby the objections filed by the petitioner in an execution application have been dismissed.

2. Learned counsel for the petitioner submits that respondent No.1 had filed a suit for specific performance of agreement to sell dated 13.06.2015, which was alleged to be executed by the petitioner in favour of respondent No.1 for sale of 8 kanals of land. Said suit was decreed in favour of respondent No.1 vide judgment and decree dated 11.02.2019, which was not challenged and the same attained finality. Respondent no.1 thereafter filed an application for execution under Order 21 Rule 66 CPC, whereby, the learned Executing Court attached the property of the petitioner. Learned counsel further submits that during pendency of the said execution, the petitioner filed objections but the same have been dismissed. Hence, the present petition.

3. I have heard learned counsel for the petitioner and gone through the case file.

4. The order assailed herein is premised, *inter alia*, on the following reasoning:

“Heard. The perusal of the file reveals that decree holder Subash Kumar has filed this execution application for the recovery of Rs.9,92,068/- including principal amount, interests and costs. The learned counsel for the judgment debtor/objector has laid much stress on the point that there is no need to attach the whole property, recovery can be effected by attaching only $\frac{3}{4}$ kanal of land of the judgment debtor/objector, whereas, this court after going through the facts, circumstances and record placed on file, is of the considered view that the sale of the land of the objector/Judgment debtor is required to be put on sale for getting satisfied the decree. These facts are relevant to mention here that the judgment debtor time and again lingering on the matter and after getting ex parte on 29.05.2019 and 31.10.2018, he moved the applications for setting aside the same. After that he moved the present vague objections under consideration, which have already been taken in the main suit and the court has already given the findings in this regard, so this court cannot go beyond the decree passed by the court. Hence the present objections having no merits are disposed off. Accordingly, the sale warrants of the attached land of objector/judgment debtor be issued, as per following schedule:-

- 1. Notice at the court house : 12.11.2021*
- 2. Munadi : 29.11.2021*
- 3. Sale : 13.12.2021*
- 4. Report : 03.01.2022”*

5. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction of this Court.

6. There is no room for interference in the aforesaid valid reasons recorded by the trial Court, with which I am in agreement.

7. Dismissed.

8. Pending application/s, if any, shall also stand disposed of.

February 04, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No