

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

109

**CR-1363 of 2018 (O&M)
Date of decision: 08.12.2022**

Charan Singh (deceased) through LRs

..Petitioner

Versus

Upkar Singh Khajala and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohinder Kumar, Advocate
for the petitioner.

Mr. Raghuvinder Singh, Advocate, for
Mr. R.D.Gupta, Advocate,
for respondent no.1.

Mr. Sant Kashyap, Advocate
for the applicant (in CM-15456-CII-2022)

ANIL KSHETARPAL, J(Oral)

C.M.No.15456-CII-2022

1. For the reasons stated in the application which is supported by an affidavit, the application is allowed subject to all just exceptions and Sh. Satwant Singh son of Sh. Wariam Singh, is impleaded as respondent no.8
2. The amended memo of parties is taken on record.

MAIN

3. The first appellate court while hearing the appeal filed by a 3rd party objector, has remanded the matter back to the Executing Court for deciding the matter afresh. In a suit filed by the petitioner for grant of decree of possession by way of specific performance of the agreement to sell with respect to plot measuring 750 sq. yds. comprised in khasra no.636 min has been decreed. The property is located in the area of Sultanwind, Sub Urban, Daburji Road, Amritsar.

4. The respondents filed the objections in the execution petition claiming that the original owners were Karnail Singh, Mehal Singh and Jarnail Singh sons of Mit Singh and the property was never owned and possessed by Ramandeep Singh, Judgment Debtor No.2. Many suits between the parties are pending. Some have been decided in favour of the 3rd party objector, whereas the other cases are still pending. In such circumstances, the court has found it appropriate to remand the matter back to the Executing Court to hear and decide the objections in a detailed manner like a suit as required under Order 21 Rule 101 CPC.

5. Hence, no ground to interfere is made out.

6. Dismissed.

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

December 08, 2022

nt

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*