

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

CR-369-2019 (O&M)

Date of decision: 15.09.2022

Pawan Kumar and others

...Petitioners

Versus

Roop Narayan and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Giri, Advocate for the petitioners

Mr. Rajinder Goyal, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

Surju, Issar and some other family members were the owners of the property. They filed a suit for grant of decree of possession against Madan Lal (predecessor-in-interest of the petitioners) in the year 1990. The suit was dismissed by the trial court. The judgment was affirmed in the first appeal. Second appeal is pending in this case. Roop Narayan and Lakhmi Chand- the decree-holders (respondent no.1 and 2 herein) filed a separate suit for possession by way of specific performance of the agreement to sell against Surju etc. Neither Madan Lal nor his successor-in-interest were impleaded as a party. The petitioners claim that the aforesaid suit was collusive.

Be that as it may. The suit for possession by way of the specific performance of the agreement to sell by Roop Narayan and another was decreed by the court. In the execution petition, the petitioners' (successor-in-interest of Madan Lal) filed an application for stay of execution, which has been dismissed. It is evident that the possession of Madan Lal or his successor-in-interest has been upheld by

two courts in a suit filed by the then owners. Thus, Roop Narayan and another having stepped into the shoes of Surju etc. cannot claim better entitlement with respect to the possession than their predecessor-in-interest.

Keeping in view the aforesaid facts, the revision petition is disposed of with direction that the petitioners shall not be dispossessed in execution of the decree. However, this will be subject to the decision of the Regular Second Appeal.

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

15.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE