

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

CR-2639-2018 (O&M)

Date of decision: 08.09.2022

Om Parkash

....Petitioner

Versus

Smt. Hemlata and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Sharma, Advocate for the petitioner
 Ms. Sheveta Sanghi, Advocate for respondent no.1
 Mr. S.K.Yadav, Advocate for respondent no.2

ANIL KSHETARPAL, J (Oral)

The petitioner is the judgment debtor. However, he has been impleaded as judgment debtor no.2 in the execution petition. A suit for specific performance of the agreement to sell was filed against Kanwar Singh-judgment debtor no.1, which was decreed for recovery of Rs.2,50,000/- alongwith interest. The amount is sought to be recovered from the property which the petitioner purchased from judgment debtor no.1, after the judgment and decree were passed. In fact, the Executing Court has totally failed to comprehend the relevant data. The judgment and decree against the judgment debtor no.1 is dated 06.04.2016. The judgment debtor no.1 transferred the property, by way of a sale deed, in favour of petitioner, on 21.12.2009. The suit was filed by the decree-holder on 19.03.2014.

Even the court has failed to examine “Whether the suit property, was the same property, which has been sold to the petitioner or not? Learned counsel representing the petitioner contends that the property is different.

Consequently, the order dated 12.09.2017 is set aside. Let the Executing Court decide the objections submitted by the petitioner afresh.

Disposed of.

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

08.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE