

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

-.-

CR-693-2020 (O&M)

Date of Decision : 11.07.2022

Zulafiqar Ali and Others

...Petitioners

versus

Haji Mohammad Ibrahim and Another

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : None for the petitioners.

ALKA SARIN, J. (Oral)

On 30.01.2020, the case was adjourned on the request of learned counsel for the petitioners. On 11.02.2020, the following order was passed :

“ In the execution petition, the objectors-petitioners filed their objections raising the ground that property in dispute had been gifted to them by way of Hiba Nama, qua which, memo of oral gift was prepared on 27.01.2009. The objectors-petitioners, despite being given ten opportunities, did not lead their evidence and the evidence was closed by order. Thereafter, they approached this Court and vide order dated 29.10.2019, they were granted one opportunity for concluding their evidence subject to costs of Rs.20,000/-. However, the objectors-petitioners against failed to pay costs and

accordingly, the objectors-petitioners were not allowed to lead any further evidence.

It has been noticed by the Executing Court that the objectors-petitioners failed to lead evidence to prove their contentions. It has further been found by the Executing Court that the property qua which the objectors-petitioners alleged themselves to be owners in possession does not pertain to the khasra numbers to which decree under execution is pertained. On the said basis, the objections were dismissed, vide order dated 05.12.2019.

Learned counsel for the objectors-petitioners has moved an application bearing CM-3150-CII of 2020 for placing on record Hiba Nama as Annexure A-1 to show that khasra numbers which were gifted to him by way of Hiba Nama. Apparently, number of Hiba Nama and the khasra numbers involved in the decree under execution are totally different.

Faced with the said situation, learned counsel for the petitioners today again prays for time to place on record the documents to show that the property is the same.

On his request, adjourned to 30.03.2020.”

Thereafter on 19.04.2022, despite the matter being called twice, none had put in appearance on behalf on behalf of the petitioners. Today also the matter has been called twice, once in the pre-lunch session and second time in the post lunch session but none has put in appearance on behalf of the petitioners. It appears that the petitioners are not interested in pursuing the present petition.

Dismissed for non-prosecution.

July 11, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO