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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1353-2022 (O&M)

Date of Decision: 30.11.2022

BALRAM DEV (SINCE DECEASED) THROUGH LEGAL
REPRESENTATIVE NEERU SHARMA

.. Petitioner

Vs.

PANKAJ SHARMA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shailendra Sharma, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

The petitioner being LR of Balram Dev has filed this petition to challenge the order dated 16.10.2018 passed by the Executing Court, whereby the auction of the suit property conducted pursuant to the final decree dated 05.08.2015 was set aside subject to certain conditions.

During the course of hearing, learned counsel has pointed out that in the litigation relating to the partition of the suit property, the parties are closely related and before the passing of the final decree, defendant No.1-Balram Dev had expired on 20.02.2015 and his LRs were also not brought on record either before the Civil Court or before the Executing Court. He submits that this has caused prejudice to the petitioner, namely, Neeru Sharma (daughter of Balram Dev). He fairly states that the execution is still pending and in this regard, no such application has been filed before the Executing Court.

Learned counsel prays for withdrawal of this petition with liberty to approach the Executing Court to raise this issue.

Dismissed as withdrawn with liberty aforesaid.

30.11.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No