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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2915-2022 (O&M)

Date of decision : 26.07.2022

Kundan Lal

...Petitioner

Vs.

Ramesh Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.S.Jammu, Advocate
for the applicant-petitioner.

MANOJ BAJAJ, J.

CM-8975-CII-2022

Application is allowed as prayed for.

Main case

Petitioner has filed this revision petition to challenge the order dated 20.07.2022 passed in civil suit No.144-C/2010-2012 by Additional Civil Judge (Senior Division), Sirsa, whereby the third party objections filed by petitioner/objector have been dismissed and fresh warrants of possession have been issued.

Learned counsel for the petitioner has argued that plaintiff-Ramesh brought a suit against Khairu seeking specific performance of contract dated 02.02.2010 and the said suit was decreed in his favour on 07.11.2013. He submits that in fact the said property had been sold by Khairu in favour of petitioner and a writing in this regard dated 12.12.1985 by Khairu has been ignored by the Executing Court while dismissing his objections. He submits that the petitioner is in possession of the suit property for a long time and is being used for a residential purpose. He prays that the impugned order is bad in

law and deserves to be set aside.

During the course of hearing, it is not disputed that no sale deed in respect of suit property is executed in favour of the petitioner by Khairu, but according to him, on the basis of the said writing, which is in the nature of agreement to sell, petitioner was given the possession of the property.

After hearing learned counsel and considering the above background, this Court is of the opinion that the title of the property as claimed by the petitioner relating to the suit property was never validly transferred in his favour and even the writing by Khairu, relied upon by the petitioner has not been produced on record of this case. Apart from it, the petitioner after filing of objections on 14.02.2018, never pursued the same and was proceeded against *ex parte* on 16.07.2021.

Thus, this Court is not inclined to interfere with the impugned order as it does not suffer from any illegality or impropriety.

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

26.07.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No