

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

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**CR-5965 of 2019 (O&M)
Date of decision: 23.12.2022**

Kishan Lal

..Petitioner

Versus

Kamal Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kuldeep V. Singh Ahluwalia, Advocate and
Ms. Jaspreet Kaur, Advocate, for
Mr. G.S.Nagra, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner herein was one of the co-owner of the joint property along with his brother and sister. In a suit for partition of the joint property, a final decree for partition of the property was passed. Since, the property was not fit to be partitioned by metes and bounds, hence, the same was sold through an auction in favour of Sh. Kamal Kumar for Rs.31,90,000/-. Subsequently, in a revision petition, the petitioner paid the entire amount of Rs.32,00,000/- along with an additional amount of Rs.4,00,000/- to Sh. Kamal Kumar in order to take over his rights. The petitioner claims that the Executing Court has erred in making the following observations while disposing of the execution petition:-

“Also the sale certificate confirmed on 17.02.2015 in favour of Kamal Kumar son of Ram Lal , R/o 245/5, Grover Colony, Jalandhar, is hereby cancelled and the ownership qua the property in question is restored in the name of original owner. Necessary intimation along with copy of this order be sent to concerned revenue authorities.”

It is the case of the petitioner that since he has exclusively paid the entire amount, therefore, he has become the exclusive owner of the property.

This Court has perused the order passed in **Kishan Lal vs. Shanti Devi and others,(CR-1937 of 2016, decided on 02.05.2019)**. It is evident that it is Sh. Kishan Lal, who has paid the entire amount. The relevant observations recorded in the order dated 02.05.2019 are extracted as under:-

“Today, learned counsel for the parties agreed that the parties have compromised the matter and no longer want to pursue the litigation. It is settled that petitioner will pay Rs.4,00,000/- over and above the amount of Rs.32,00,000/- already deposited in pursuance of order dated 30.03.2016 of this Court.

Learned counsel for the petitioner states that the petitioner is present in the Court. He has brought the Demand Draft No.583150 dated 01.05.2019, amounting to Rs.4,00,000/-. The draft has been accepted by the newly added respondent i.e. Auction Purchaser. The photocopy of draft is taken on record.”

Despite the service of notice, respondents remain unrepresented.

Keeping in view the aforesaid undisputed facts, the aforesaid observations made by the Executing Court are modified and a direction is issued to the Municipal Authorities to enter the property in the name of the petitioner.

With these observations, the revision petition is disposed of.

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

December 23, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*