

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

CR-5283-2022 (O&M)

Reserved on: 21.12.2022

Date of Pronouncement: 23.12.2022

Kirpal Singh

...Petitioner

Versus

Santosh Kumari (since deceased) thr. LRs & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Karan Singla, Advocate for the petitioner

Mr. Harsh Vijay Jain, Advocate for
LRs of respondent No.1.

H.S. MADAAN, J.

In an execution application, the revision petitioner Kirpal Singh and his brother Kuldeep Singh, had filed objections under Order 21 Rule 96 and 97 CPC, claiming that they are in possession of the property, possession of which is sought to be delivered to the decree holder, in capacity as tenants.

The objections were resisted by the decree holder and vide impugned order, those were dismissed. In terms of Order 21 Rule 103 CPC, the order passed with regard to such objections is to be treated as a decree against which an appeal lies and the revision

petitioner has already taken recourse to that remedy as is evident from copy of grounds of appeal available on the record. The appeal filed by the revision petitioner before District Court, Ludhiana is stated to be pending.

This fact is not disputed by learned counsel for the petitioner. The revision petitioner had taken all the pleas raised by them in this petition in the grounds of appeal before District Court, Ludhiana. Therefore, this revision petition is not maintainable and is dismissed accordingly.

23.12.2022
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(H.S. MADAAN)
JUDGE

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