

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

CR No.5351 of 2022

Date of Decision: 21.11.2022

Gurmeet Kaur

.....Revisionist-Petitioner.

Versus

Beant Singh

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Surinder Garg, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant revision petition, the petitioner-Judgement Debtor (for short, 'the JD') seeks the indulgence of this Court for setting aside the order dated 30.09.2022 (Annexure P-4) whereby learned Additional Civil Judge (Senior Division), Gidderbaha (for short, 'the Executing Court') has ordered for handing over the possession of the vacant land to the respondent-Decree Holder (for short, 'the DH') after demolishing the house raised over the land measuring 05 Marlas, in the suit property.

2. I have heard learned counsel for the petitioner-JD, at the preliminary stage, in this petition and have also perused the file carefully.

3. As per the brief factual matrix culminating in the filing of the present petition, the DH had filed a civil suit against the JD for seeking a decree for possession of the suit land, by way of the specific performance of the agreement to sell, while claiming the execution of the same by the

JD in his favour. Vide the judgment dated 18.08.2017 (Annexure P-1), the said civil suit was decreed by way of granting the alternative relief qua the payment of an amount of Rs.10 lac by the JD to the DH.

4. However, feeling dis-satisfied with the same, the DH preferred an appeal which was allowed by learned Lower Appellate Court vide the judgment dated 11.01.2018 (Annexure P-2), while granting him the relief of the specific performance of the said agreement to sell. The Regular Second Appeal filed by the JD to assail the said judgment (Annexure P-2) has also been dismissed by the Co-ordinate Bench vide the judgment dated 10.07.2018 (Annexure P-3) and a perusal thereof reveals that the Co-ordinate Bench, has specifically dealt with the contention raised by the JD therein qua the existence of the house in the suit land. Learned counsel for the petitioner-JD submits that no appeal has been preferred in the Apex Court to challenge the judgment Annexure P-3, meaning thereby that the said judgment had attained finality and the parties are bound by the same.

4. In view of the above-discussed facts and circumstances, it becomes quite explicit that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being bereft of any merit, stands dismissed.

November 21, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>