

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

**CR-522-2023**

**Date of Decision: 25.01.2023**

Kamlesh Kumari

..... Petitioner

Versus

Tribhuvan Singh @ Triburan Singh through his LR's. and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Deepak Arora, Advocate,  
for the petitioner.

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**RAJBIR SEHRAWAT, J. (ORAL)**

This is a petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 15.12.2022 (Annexure P-5) passed by the Additional Civil Judge (Senior Division), Pathankot, in Execution No.123 of 2018 titled as Tribhuvan Singh @ Triburan Singh (since dead) through LR's Vs. Bedhi Chand, vide which the objections preferred by the petitioner has been dismissed.

A perusal of the case file shows that the petitioner, who is the purchaser of the property during the pendency of the suit in which her husband had been a contesting party, filed the objections against the execution of the decree in favour of the respondents, which was qua 58 kanals and 10 marlas. It is not even in dispute that the land, allegedly purchased by the petitioner, constitutes part of the land mentioned in the decree. Therefore, the petitioner being a purchaser with due notice of the

litigation would be hit by the principle of *lis pendens* and would not be able to claim any benefit on the basis of such purchase. Moreover, the alleged sale deed claimed by the petitioner is already the subject matter of challenge in another civil suit. Therefore, the right of the petitioner qua the said land is also not unqualified. Moreover, the Executing Court has already observed in the order that the appropriate remedy for enforcement of the right of the petitioner, if any, could be only through partition proceedings.

In view of the above, this Court does not find anything wrong, illegal or perverse with the observation made and the order passed by the Executing Court. Accordingly, finding no merit in the present petition, the same is hereby dismissed.

(RAJBIR SEHRAWAT)  
JUDGE

25.01.2023  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |