

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

CR-2070-2023(O&M)

Date of decision:-10.4.2023

Ramandeep Kaur and others

...Petitioners

Versus

Avtar Singh and others

...Respondents

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

Present: Mr.Navmohit Singh, Advocate
for the petitioners.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 27.2.2023 passed by Civil Judge (Sr.Divn.), Amritsar in execution application titled 'Avtar Singh Versus Gulzar Singh and others' vide which third party objections filed by petitioners Ramandeep Kaur and three others had been dismissed.

2. Briefly stated, facts of the case are that civil suit filed by plaintiff Avtar Singh against Gulzar Singh and others was decreed by the Court of Civil Judge (Sr.Divn.), Amritsar on 15.1.2010. The decree holder sought execution of that decree. During the course of proceedings before the Executing Court, third party objections were filed by applicants Nimratra Kaur, Amandeep Kaur, Ramandeep Kaur and Varinder Kaur contending that they had purchased the agricultural land vide sale deed dated 9.6.2020 from its earlier owner for valuable consideration and the applicants are owners in possession of that land since the date of purchase.

The applicants claimed that they are bona fide purchasers for consideration, however a few days earlier they came to know that with regard to two khasra numbers 69//16(8-8) and 25//1(4-0), warrants of possession for an area of 5 kanal 10.2/9 marlas had been issued by the Court, therefore, they approached the Executing Court by way of filing objections claiming themselves to be bona fide purchasers for consideration without notice of any litigation with regard to the land and sought withdrawal of such warrants of possession.

3. The objections were resisted strongly by the decree holder.
 4. Vide the impugned order, such objections were dismissed.
- For ready reference the paras No.4 and 5 of the order are being reproduced as under:

4. Merits of the objections have been considered in the light of facts of the matter. Aforesaid third party objectors have attached copy of sale deed dated 09.06.2020, regarding purchase of land by them from Harbhajan Kaur, wife of Manjit Singh, son of Sulakhan Singh, Resident of Village Surjan Singh Wala, Tehsil Amritsar-I. The land shown to be purchased by the objectors, includes 11 Kanals 19.5 Marlas from total 12 Kanals 8 Marlas, comprised in Khasra numbers 69//16(8-8) and 69//25/1(4-0). Copy of jamabandi 2015-2016 has also been attached by aforesaid third party objectors.

- 5. However, in considered opinion of this Court, said objectors have no locus standi or valid basis to raise any objection to*

present execution, for the reason that objections filed earlier by their predecessor Harbhajan Kaur, have been dealt with at length and same have been decided vide order dated 06.12.2022 of this Court and said objections of Harbhajan Kaur have been dismissed qua land comprised in aforesaid Khasra numbers 69//16(8-8) and 69//25/1(4-0), to the extent of land measuring 5 Kanals 10-2/9 Marlas, said land being 7/18 share of JD No.1 Gulzar Singh and 1/18 share of JD No.2 Kartar Singh. It has been held in said order that said land measuring 5 Kanals 10-2/9 Marlas is liable to be conveyed to the DH. As such, since the earlier sales by the Jds have been ignored for the reason that same were hit by principles of lis-pendens, to the extent of 5 Kanals 10-2/9 Marlas owned by Jds No.1 and 2, Gulzar Singh and Kartar Singh, the latest purchase made by present four objectors in the year 2020, is also liable to be ignored and the doctrine of lis-pendens does not admit of any plea regarding purchasers being bonafide purchasers for valuable consideration. As such, the third party objections of Nimrata Kaur, Amandeep Kaur, Ramandeep Kaur and Varinder Kaur, are hereby dismissed.

5. Such order left the applicants/objectors aggrieved and they have approached this Court by way of filing the present revision petition.

6. I have heard learned counsel for the petitioners besides going

through the record and I find that there is absolutely no merit in the revision petition.

7. The impugned order passed by the Executing Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The objections filed by the petitioners were rightly rejected by the Executing Court. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

8. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

10.4.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No