

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

133

2023:PHHC:149240

**CR-2017-2021(O&M)
Date of decision: 23.11.2023**

RAMBIR

..Petitioner

Versus

SURENDER ALIAS SEWLA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a decree holder. The plaintiff's suit for specific performance of the agreement to sell was decreed on 26.08.2016, with the following directions:-

“It is ordered that the suit of the plaintiff succeeds and is hereby decreed ex parte with costs. Defendants are directed to get executed the registered Sale Deed in favour of plaintiff in terms of agreement to sell dated 09.06.2000, in respect of suit property within the period of three months failing which the plaintiff will be at liberty to get executed and register the Sale Deed in his favour through the process of law. Further, the Sale Deed Vasika No.991 dated 03.11.2004, in favour of defendant No.11 and 12 is liable to set aside qua the land bearing Rect. No.79, Killa No.8/2/2 (3-12) qua only the share already sold in favour of plaintiff by Bhulan. In absence of fees certificate counsel's fees is assessed as Rs.1,500/-.”

2. Pursuant to the aforesaid decree, the sale deed of the suit land has been registered in favour of the petitioner and symbolic possession of the property was also delivered because the petitioner was already in the actual possession of the property.

3. In the Executing Court, the petitioner has prayed for sanctioning of mutation in his favour. The Executing Court has disposed of

the same with the observation that the petitioner can avail his remedy.

4. The learned counsel representing the petitioner contends that in absence of mutation, the petitioner will be forced to litigate once again .

5. This Court has considered the submissions of the learned counsel representing the petitioner.

6. First of all, the Executing Court is required to execute the decree as it is. In this case, the decree for specific performance of the agreement to sell was filed, which was decreed. Pursuant thereto, the sale deed has already been registered in favour of the petitioner.

7. Secondly, the mutation of the property is the updation of the record maintained by the executives agencies working for the government for precise records of land and its ownership. The Executing Court is not expected to issue directions in absence of a specific order passed by the Court while passing the decree.

8. Hence, no ground to interfere is made out.

9. Dismissed accordingly.

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

November 23rd, 2023

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**(ANIL KSHETARPAL)
JUDGE**

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