

CR-5055-2023

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

Sr. No.126

CR-5055-2023

Date of Decision: 01.09.2023

RAMANDEEP SINGH

....Petitioner

Versus

MANPREET SINGH THROUGH LRS AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Onkar Singh, Advocate,
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 29.04.2023 (Annexure P-1) passed by learned Lower Court, whereby third party objections filed by the petitioner, have been dismissed.

During the pendency of the execution, filed to seek execution, on the basis of the judgment and decree dated 31.07.2019, filed at the instance of the decree-holders/plaintiffs (now legal representatives of Manpreet Singh), the present petitioner had filed the third party objections, copy whereof is Annexure A-6, thereby asserting himself to be in possession of the suit property, for the last more than 40 years. After seeking reply to the said application, the objections were dismissed vide order dated 29.04.2023, copy whereof is Annexure P-1.

Now, it is submitted by learned counsel for the petitioner, while making reference to the revenue record, which is Annexure P-1-A to P-3, thereby stating about his father and fore-fathers to be in possession of the suit property, since the year 1992-93.

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On query by the Court, it has been disclosed by learned counsel for the petitioner that in fact, the name of the petitioner is not reflected in any of the Jamabandis, but anyhow, he is in possession of the suit property along with his father, Saroop Singh, whose name is reflected in the Khasra Girdawari. When questioned about the authority of the petitioner to have filed the third party objections and not by his father, Saroop Singh, learned counsel sought to withdraw the present petition and seek filing of the objections (if so) through his father.

But anyhow, perusal of the impugned order reveals that learned Lower Court had dealt with the objections, by solely making observation with regard to possession of the third party objector, without going through the revenue record, so relied upon by the petitioner. In fact, petitioner, as such, is not anywhere reflected to be in possession of the suit property.

In the given circumstances, without prejudice to the rights of the parties to be adjudicated through objection petition, (if so) filed, at the instance of the father of the petitioner, in view of the submission made by learned counsel for the petitioner, the present revision petition is hereby dismissed as withdrawn.

01.09.2023
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No