

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ESA-36 of 2023 (O&M)
Date of Order: 26.07.2023

Balinder Singh

.Appellant

Versus

Vijay Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mayank Mathur, Advocate
for the appellant.

ANIL KSHETARPAL, J

1. The petitioner herein is the son of the Judgment Debtor. In a suit filed for possession by way of specific performance of the agreement to sell, the decree has been passed. In the first appeal as well as in the second appeal the aforesaid decree has been upheld. In the execution petition not only the sale deed has been executed in favour of the decree holder but even the possession has been delivered.

2. The petitioner herein claims that the property is a Joint Hindu Family, ancestral and Coparcenary property and therefore, her father Sh. Harnek Singh has no right to sell the property. He relies upon the judgment and decree passed by the trial court on 02.07.2016 in a suit filed by the petitioner in the year 2011. Admittedly, at that point in time, the suit filed by Sh. Vijay Kumar and Sh. Dipesh Kumar (decree holders) was pending. Both the courts have also concluded that Sh. Harnek Singh intentionally did not contest the suit which resulted in passing of the decree in favour of the petitioner.

3. In view of the aforesaid facts, no ground to interfere is made

out.

4. Dismissed.

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

July 26, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO