

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 3877 of 2023****Date of Decision: 13.07.2023**

Ramesh Kumar

... Petitioner(s)

Versus

Karnail Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajinder Goel, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner is the judgment debtor No.1. The sale deed executed in favour of the petitioner was successfully pre-empted by Karnail Singh (decree holder) in a suit which was decided on 30.11.1994. Consequently, Karnail Singh became the purchaser of the property measuring 1 kanals and 14 marlas located in khasra No. 334 min. The aforesaid decree has become final between the parties as the appeal filed by the judgment debtors has been dismissed. The execution petition filed by the decree holder is pending for the last eight years. The petitioner (judgment debtor No.1) claims that in the year 2016, he had purchased some part of khasra No. 334. He submits that the warrants of possession issued by the Executing Court should be recalled till the area purchased by the judgment debtor No.1 in the year 2016 is identified.

2. This Court has considered the submissions. A decree passed against the petitioner has become final. The same is required to be

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implemented. The rights flowing from the sale deed executed in favour of the judgment debtor No.1 in the year 2016 are subservient to the rights of the decree holder. The Executing Court has only issued the warrants of possession in accordance with the decree.

3. Keeping in view the aforesaid peculiar facts, no ground is made out to interfere. Consequently, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

July 13, 2023
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No