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2023:PHHC:088986

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

CRM-M-33710-2023 (O&M)

Date of decision : 17.07.2023

Surjeet Singh

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Singh Jattan, Advocate,
for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') for directing respondent No.2 to take necessary legal action against private respondent Nos.4 to 8, on account of trespassing the land of petitioner.

(2) Concededly, RSA No.2489 of 2022 is pending between the parties and interim stay was granted by Coordinate Bench vide order dated 18.11.2022, which reads as under:-

“Learned counsel contends that the plaintiff sought specific performance of agreement to sell dated 23.12.2010 against the vendor/defendant No.1-Hari Dutt, who before the target date 25.09.2011 fixed to execute the sale deed, had passed on the title of suit property by executing the exchange deed dated 25.05.2011 in favour of defendant No.3, therefore, considering the transaction and close relations between defendants, the said suit was decreed by trial Court vide judgment and decree dated 06.01.2017.

He submits that the appellate Court has wrongly modified the said decree by accepting appeal by alleged bona fide purchasers and directed the refund of earnest money in favour of the plaintiff/appellant. According to the learned counsel, vendor-Hari Dutt in order to defeat his claim entered into these transactions with close relatives, and the appellate Court has ignored the conduct of defendants.

Notice of motion for 01.03.2023.

Meanwhile, dispossession of the appellant from the suit property shall remain stayed.”

(3) Since above RSA is stated to be pending for 10.10.2023; therefore, petitioner can take recourse to the remedy as per law.

(4) In view of the above, this Court does not deem it appropriate to entertain the present petition and dispose off the same, with liberty aforesaid.

Ordered accordingly.

17.07.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No