

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

ESA-200-2016 (O&M)
Date of Order: 17.07.2023

MOHD. HANIF & ORS.

.Appellants

Versus

MOHD. YASIN & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Umesh Kumar Kanwar, Advocate, for the appellants

ANIL KSHETARPAL, J

1. On 03.07.2023, the following order was passed:-

“Previously, the appellants were represented by late Sh. P.S.Sidhu, Advocate. Sh. G.S.Dhaliwal, Advocate, while entering appearance on behalf of the appellants, undertakes to come prepared for the final arguments, on the next date of hearing.

Adjourned to 14.07.2023.

To be listed in the urgent list.”

2. Thereafter, the case was taken up on 14.07.2023, the following order was passed:-

“On 03.07.2023, Sh. G.S.Dhaliwal, Advocate, undertake to come prepared for arguments. Today, in the first round, he sought passover, which was granted. However, in the second round, he has chosen to remain absent. Although, there is no justification, however, in the interest of justice, adjourned to 17.07.2023.

To be listed in the urgent list.

The office is directed to inform Sh. G.S.Dhaliwal, Advocate, about the date fixed.”

3. Once again a new counsel has entered appearance and prays for

an adjournment.

4. Keeping in view the past conduct of the appellants, the request for an adjournment is declined.

5. This is an objectors second appeal against the order passed by the Executing Court. In a suit for specific performance of the agreement to sell, a decree was passed by the court on 02.04.1990. Mohd. Adris was the predecessor of the objectors. He was a co-owner to the extent of $\frac{1}{2}$ share in the land measuring 55 Bighas and 10 Biswas with Mohd Bashir. Mohd. Adris sold 16 bighas of land to Judgment Debtor Faiz Mohd. On 19.05.1988. The suit filed against JD Faiz Mohd. was decreed. These objections have been filed in order to frustrate the execution of a decree which became final 33 years ago. The objectors claim that the possession of 16 bighas of the land was never transferred to JD Faiz Mohd.. The Executing Court has dismissed the objection petition after taking note of all these facts. Thereafter, once again the objections filed by the petitioners have been considered in detail by the First Appellate Court. Moreover, the objectors have never challenged the correctness of the sale deed executed in the year 1988 by their predecessor.

6. Hence, no ground to interfere.

7. Dismissed.

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

July 17, 2023

nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO