

111.

2023:PHHC:154234

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

CR-4823-2023

Date of decision: 04.12.2023

MC, SIRSA

.... Petitioner

Versus

KASHMIRI LAL BATRA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Kanchan Sindhu, Advocate for
Mr. Pritam Singh Saini, Advocate, for the petitioner.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for setting aside the orders dated 04.07.2023 and 31.07.2023 (Annexures P-3 and P-4 respectively) passed by learned Additional Civil Judge, Sirsa, vide which the petitioner-JD has been directed to execute the sale deed in the execution proceedings filed by respondent No.1-plaintiff.

2. Briefly stated, respondent No.1-Kashmiri Lal Batra, plaintiff filed a suit for mandatory injunction directing the petitioner-defendant No.1 and proforma respondent No.2-defendant No.2 to get the sale deed registered in his favour. Vide judgment dated 09.05.2018, suit was decreed and the defendants were directed to execute the sale deed. Though against said judgment, an appeal was also preferred, but it was dismissed being time barred vide judgment dated 03.03.2021. The respondent-decree holder filed execution, but it was held that without granting relaxation to conditions No.7

and 8 of allotment by the government, sale deed cannot be allowed to be executed.

3. Learned counsel appearing on behalf of the petitioner-JD has produced copy of order dated 29.08.2023 passed by learned Additional Civil Judge (Senior Division), Sirsa, whereby the decree holder-respondent No.1 has made a statement that he does not want to proceed further with the suit as his claim has been fully satisfied. The suit was dismissed as withdrawn being fully satisfied. Copy of order dated 29.08.2023 shall form part of the record.

4. In view of above, since the decree holder has withdrawn his execution being fully satisfied, the present petition has become infructuous and it is dismissed as such.

(GURBIR SINGH)
JUDGE

December 04, 2023
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No