

2023:PHHC:093079

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

ESA-25-2017 (O&M)
Date of decision: 24.07.2023

Suleman Khan

....Appellant

Versus

Madarsa Arbia Hifzul Quran and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Sunny K.Singla, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. The appellant before this Court is a third party objector. Sher Alam Khan, being the owner of the property, in dispute, executed a registered gift deed in favour of Madarsa Arbia. The aforesaid registered gift deed executed in the year 1994 has never been challenged. Madarsa Arbia rented the property in favour of Mohd. Ashraf. Subsequently, the eviction proceedings were initiated against Mohd. Ashraf by Madarsa Arbia, which were decreed and Mohd. Ashraf was ordered to be evicted. Suleman Khan the son of the original owner filed an objection petition claiming to be in possession of the property as owner. The executing court, after appreciating the evidence, dismissed the objection petition. The appeal filed by the appellant was also dismissed by the Appellate Court. It has been held that Sher Alam Khan, father of the petitioner, was owner in possession of the property and while gifting property, he delivered the possession of both the shops. Yasmin, one of the witnesses examined by the petitioner during the

cross-examination has categorically admitted that the possession of the shop was delivered by Sher Alam Khan in favour of Madarsa Arbia.

2. Keeping in view the aforesaid facts, this Court does not find it appropriate to interfere with the concurrent findings of fact in an appeal filed against the orders passed by the Executing Court.

3. Hence, dismissed.

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

24.07.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE