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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ESA-71-2017 (O&M)

DATE OF DECISION : 02.02.2023

Amarjeet Kaur

.....Appellant

versus

Kewal Krishan and Another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vaibhav Sehgal, Advocate for the appellant

Mr. Santosh Sharma, Advocate for respondent No.2

..

ALKA SARIN, J. (Oral):

Learned counsel for the parties are *ad idem* that the decree be executed strictly in terms of the area and dimensions shown in the sale deed and in terms of the order passed by this Court on 22.12.2017, which reads as under :

“The only grievance of the appellant is that his adjoining property to the extent of 17 sq. yards may not be made subject matter of the execution. The sale deed dated 10.12.2013 was executed with the process of the Court in respect of 30 sq. yards. As per site plan adduced by the plaintiff himself, the area of the suit property/shop is described by 10 sq.

feet X 42 sq. feet. If the area of the said shop is calculated, the same comes out to be $10 \times 42/9 =$ about 47 sq. yards. Learned counsel for the appellant contends that under the garb of execution, the excess area to the tune 17 sq. yards belonging to the objector is being encroached upon. The appellant has no grievance to the execution of the suit property being a vendee lis pendens, but his own area to the tune of 17 sq. yards may not be subjected to.

Notice of motion for 18.04.2018 to the aforesaid extent.

In the meanwhile, decree be executed strictly in terms of area and dimension shown in the sale deed.”

In view of the above, the present appeal is disposed off by directing the Executing Court to execute the decree strictly in consonance of the order dated 22.12.2017 passed by this Court. The Executing Court is requested to decide the execution petition within a period of one month from today. Pending applications, if any, also stand disposed off.

02.02.2023
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
