

2023:PHHC:163321

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

ESA-52-2023 (O&M)
Date of decision: 19.12.2023

Raj Rani

....Appellant

Versus

Joginder Pal and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Raghav Sharma, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. In this Execution Second Appeal, the wife of the judgment debtor, assails the correctness of the order passed by the Executing Court on 22.11.2016, while dismissing the objection petition, which in appeal, has been affirmed by the First Appellate Court. One Sh.Subhash Chander filed a suit for the specific performance of the agreement to sell against Sh.Vishav Nath and his wife Smt.Raj Rani. The aforesaid suit was decreed on 20.12.1996 wherein the plaintiff also sought the decree of declaration that the collusive judgment and decree dated 15.06.1983 suffered by Sh.Vishav Nath in favour of Smt. Raj Rani is illegal, null and void.. The judgment and decree passed by the trial court was affirmed in the first appeal, second appeal as well as by the Supreme Court in the year 2010. Meanwhile, Sh.Joginder Pal filed a suit for the recovery of certain amount. The aforesaid suit was decreed on 26.04.2011. The execution petition filed by Sh.Joginder Pal was

pending. Smt. Raj Rani filed the objection petition claiming the property on the basis of the judgment and decree dated 15.06.1983. It is evident that the aforesaid judgment and decree has already been declared null, void and inoperative vide the judgment and decree dated 10.12.1994.

2. Learned counsel representing the appellant contends that the third party objections could not be dismissed without framing issues.

3. This Court has considered the submissions made by the learned counsel representing the appellant. It is not always necessary to cull out the issues before deciding the objection petition. The requirement of framing of the issues depends upon the points of contention, which needs adjudication. In this case, the facts, which have already been noticed, leave no manner of doubt that there is no substance therein.

4. Hence, no ground to interfere is made out.

5. Dismissed.

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

19.12.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE