

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

CR-2666-2017 (O&M)

Date of decision: 10.08.2023

Jagdev Singh and others

..Petitioners

Versus

Balwinder Kaur and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sanjeev Roy, Advocate for the petitioners

Mr. Rajbir Singh, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

The petitioners herein are third party objectors. They are the judgment debtor's brothers. Their objection petition against delivery of possession with respect to 335 square yards area has been dismissed. In substance, the petitioners claim that they are co-sharers in the joint land and therefore, there cannot be any delivery of actual physical possession of the property.

This Court has considered the submissions of the learned counsel representing the parties. The decree was passed with respect to a specific portion of non-agricultural land. The court has ordered delivery of possession from the portion where judgment debtor was residing and had constructed shops. In these circumstances, the property in dispute is not agricultural land. Hence, it will not be appropriate to invoke the concept of co-sharership with reference to khewat number of the jamabandi.

Learned counsel representing the respondent-decree holder submits that the actual physical possession has already been delivered after execution of the sale deed.

Hence, no ground to interfere is made out.

Dismissed.

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

10.08.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE