

2023:PHHC:144633
142 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ESA-57-2023 (O&M)
Date of decision: 14.11.2023

Gurmeet Kaur

....Appellant

Versus

Gareesh Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rakesh Bhatia, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. The appellant before this Court is a purchaser of the property during the pendency of the litigation. Her objection petition has been dismissed by the Executing Court, which in appeal, has been affirmed by the First Appellate Court. Learned counsel representing the petitioner contends that the objection petition filed by the legal representatives of the judgment debtor Vipin Kumar were dismissed by the executing court, against which the first appeal is pending. He submits that till then the execution of the decree should be stayed.

2. This Court has considered the submissions made by the learned counsel representing the appellant. He does not dispute that the appellant herein is a purchaser, governed by rule of lis pendens as enshrined in Section 52 of the Transfer of the Property Act, 1882. The rights of the appellant are subject to the decision of the suit, which has already been decreed.

3. Keeping in view aforesaid facts, the execution of the decree cannot be kept in abeyance, particularly when the alleged legal representatives of the judgment debtor can file an application for grant of interim relief before the First Appellate Court, where the appeal filed by them is pending.

4. With these observations, no ground to interfere with the concurrent orders passed by the Executing Court as well as the First Appellate Court is made out.

5. Hence, dismissed.

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

14.11.2023

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No