

2023:PHHC:163696
**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-7893-2019 (O&M)
Date of decision: 20.12.2023

Inder Dass (since deceased) through his LRs

....Petitioner

Versus

Taro Devi (since deceased) through her LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Saurabh Bajaj, Advocate for the petitioner

Mr. Gautam Diwan, Advocate for respondent no.1 to 6

Mr. Chander Shekhar, Advocate for respondent no.7

ANIL KSHETARPAL, J (Oral)

1. The suit filed by the plaintiff (petitioner herein) for the specific performance of the agreement to sell was decreed on 12.12.2007. A conditional decree for the specific performance of the agreement to sell was passed in the following manner:-

“33. The suit is decreed with costs. A decree for specific performance of the agreement of sale dated 6.4.1999 is passed in favour of the plaintiff against the defendants directing them to execute and get registered sale deed in plaintiff's favour as per the agreement dated 6.4.1999 after receiving balance sale consideration within two months from today, falling which the plaintiff shall be entitled to seek execution of the sale deed through Court. Decree sheet be prepared accordingly and file be consigned to records, after due compliance.”

2. In the execution of the aforesaid decree, the sale deed has already been registered in favour of the petitioner. The petitioner is also in possession of the property in dispute. The first execution petition filed by the petitioner was disposed of as satisfied. He filed the second execution petition complaining that the revenue authorities are not sanctioning the mutation entry in his favour as per the registered sale deed.

3. Learned counsel representing the petitioner contends that the mutation entry is meant only for the purpose of updating the record and therefore, the revenue authorities responsible for the maintenance of the revenue record cannot refuse to sanction the mutation entry in his favour.

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. The operative part of the judgment and decree has already been extracted. The decree is conditional with respect to the specific performance of the agreement to sell and the condition has already been complied with. The Executing Court, while executing the judgment cannot go beyond the reliefs given by the trial court while passing the judgment and decree.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed accordingly.

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

20.12.2023
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No