

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Revision No.6904 of 2023(O&M)

Date of Decision: 17.11.2023

Anita @ Anita Rani

...Revisionist-Petitioner

Versus

Om Parkash & another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Paramjit Singh Jammu, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

Feeling aggrieved by the order passed by learned Additional Civil Judge (Senior Division), Dabwali (for short 'the Executing Court') on 16.10.2023 in Execution Petition No.166 of 2019, whereby the Objection Petition filed by the petitioner-Judgment Debtor No.2 (here-in-after to be referred as 'the Objector') has been dismissed, she (Objector) has preferred the instant revision petition to lay challenge to the same.

2. I have heard learned counsel for the petitioner-Objector in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioner-Objector contends that JD No.1, who is the paternal-uncle of the Objector, has already transferred the suit land in her (Objector's) favour vide the Award Annexure P-2 passed in the Lok Adalat as held on 08.07.2017 and therefore, the said land cannot be

subjected to the proceedings of the afore-referred Execution Petition but vide the impugned order, the Executing Court has erroneously dismissed the objection petition, as moved by the Objector on above-said ground and hence, this order is not legally sustainable and deserves to be set aside.

4. However, the afore-raised contention does not cut much ice with the Court because undisputedly, respondent No.1/deGREE-holder (for short 'the DH') had filed a Civil Suit for the recovery of double the amount of earnest money paid by him to JD No.1, while averring that he (JD No.1) had failed to execute the sale deed and to get the same registered in his (DH's) favour in pursuance of the agreement executed by him (JD No.1) on 28.12.2015 to sell the suit land to him (DH) and the above-said Suit had been decreed vide the judgment and decree dated 06.09.2019 and the afore-mentioned Execution Petition has arisen out of the same. Admittedly, the DH was not a party to the Civil Suit wherein Award Annexure P-2 qua the transfer of the suit land by JD No.1 in favour of the Objector, had been passed on 08.07.2017, i.e after the institution of the above-referred Civil Suit by the DH on 05.04.2017. To cap it all, it has also been specifically clarified in Para No.4 in the afore-said Award that the claim of the plaintiff, i.e the present Objector, was allowed subject to all the just encumbrances and the decree passed therein, would not have any effect on the unclaimed legal right of the 3rd party or anything concealed from the Court.

5. The above-discussed facts and circumstances unequivocally lead to an irresistible inference to the effect that JD No.1 had transferred the suit land in favour of the Objector in clandestine manner, with a view to

defeat the right of the DH in the legal proceedings arising out of the default on his (JD No.1's) part in honouring the afore-mentioned agreement to sell.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity and perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

17.11.2023

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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>