

115.

2023:PHHC:156733

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

CR-7363-2023

Date of decision: 07.12.2023

RAGHUNATH

... Petitioner

Versus

DALJIT SINGH AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Maninder Arora, Advocate, for the petitioner.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for issuance of direction to the trial Court to expedite the proceedings of the execution application filed by the petitioner against the respondents vide Execution Application No.98 of 2023, dated 06.07.2023 (Annexure P-1).

2. The brief facts, as culled out from the petition, are that a suit was filed by the petitioner-plaintiff for specific performance of agreement to sell dated 26.12.2005 in respect of land as mentioned in the head note of the plaint. Respondents/defendants No.3 to 9 were the original owners of the land, who entered into an agreement to sell with respondents/defendants No.1 and 2 on 22.06.2005 and the date for execution of sale deed was fixed as 21.06.2007. Respondents No.1 and 2 further entered into agreement to sell with the petitioner on 26.12.2005 and received Rs.2,18,00,000/- as earnest. But respondents No.1 and 2 did not execute the sale deed. Moreover, respondents No.3 to 9 forcibly took possession over the suit land. Vide judgment and decree dated 10.02.2016, the petitioner was declined the relief

of specific performance, however, was granted the relief of recovery of amount of Rs.2,18,00,000/- from respondents No.1 and 2 with interest. Respondents No.1 and 2 challenged said judgment and decree in appeal, but it was dismissed vide judgment and decree dated 24.01.2023. Regular Second Appeal was also preferred by them along with an application for staying the operation of the judgment and decree passed against them, and this Court, vide order dated 25.05.2023, passed status quo qua the suit land and no stay was granted regarding recovery of amount. Execution has been filed by the petitioner, which is now pending for 12.01.2024 for filing objections.

3. It is submitted that since there is no stay, it is incumbent upon the Executing Court to attach the properties of respondents No.1 and 2. It is further submitted that though respondents No.1 and 2 appeared in execution, but they are trying to linger on the matter on one pretext or the other. Thus, he has prayed for disposing of the execution application in a time bound manner.

4. Without commenting on the merits of the case and keeping in view the limited prayer made by the petitioner, the present revision petition is disposed of with a direction to the trial Court to dispose of the execution application of the petitioner expeditiously in accordance with law, without giving unnecessary adjournments to any of the parties.

(GURBIR SINGH)
JUDGE

December 07, 2023
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No