

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

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2024:PHHC:006601

**ESA-5-2024 (O&M)
Date of decision: 18.01.2024**

VIJENDER @ BIJENDER

..Appellant

Versus

SUKHVIR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Kumar Goyal, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

1. This is an execution second appeal filed by the objector to challenge the validity of the concurrent orders passed by the Executing Court while dismissing his objection petition, which in appeal has been affirmed by the First Appellate Court. It has come on record that the appellant (objector) has been allotted plot No.25, measuring 283 square yards. It has also come on record that a representative suit under Order I Rule 8 of the Code of Civil Procedure, 1908, was filed for partition of the property. In that suit, preliminary decree for partition was passed. When the case was at the stage of passing the final decree, as many as 10 objection petitions were filed, which were decided by the Court by a detailed judgment passed on 09.09.2011. After the final decree for partition was passed, the petitioner filed the objection petition resisting the execution of the decree. The appellant claims that the property in dispute is his ancestral house.

2. The learned counsel representing the appellant submits that the objection petition has been decided without framing issues, which is mandatory.

3. This Court has considered the submissions of the learned counsel representing the appellant.

4. It is not necessary that each and every objection petition filed by third party is required to be decided after framing the issues. The Executing Court is required to implement the decree expeditiously. In that endeavour, the Court is required to evaluate that whether the framing of issues is required or not. In this case, the Courts have found that there is no requirement to frame the issues.

5. In a suit for partition, there is a point of relocation of the co-sharers. As already noticed, the appellant has been allotted plot No.25, measuring 283 square yards.

6. In these circumstances, there is no ground to interfere.

7. Dismissed accordingly.

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

January 18th, 2024

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(ANIL KSHETARPAL)
JUDGE

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