

CR-4785-2018(O&M)

2024:PHHC:056835

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

CR-4785-2018(O&M)

Date of decision :24.04.2024

Leela Jindal

...Petitioner

Vs.

Ashok Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Aashna Aggarwal, Advocate and
Mr. Karan Singla, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is a decree-holder of a decree for specific performance of the agreement to sell with respect to 1/24th share in the land measuring 100 kanals 17 marlas.

2. As per the orders passed by the Executing Court, the sale deed has already been registered in favour of the petitioner. The petitioner wanted delivery of possession, however, the Executing Court has held that the petitioner shall only be entitled to actual physical possession after seeking partition of the land. The symbolic possession was delivered to the petitioner.

3. Learned Senior counsel representing the petitioner submits that the Revenue Authorities have failed to sanction the mutation of the complete land as per the decree. The Executing Court has observed that the petitioner's vendor was recorded owner of the land measuring 03 kanals 16 marlas. Thus, the Revenue Authorities have already sanctioned mutation with respect to 03 kanals 16 marlas.

In this case, only the suit for possession by way of specific performance of the

agreement to sell was decreed. The decree is with respect to 4 kanals and 4 marlas. The deficiency of 16 marlas in sanctioning of the mutation by the Revenue Authority is alien to the decree. Hence, the petitioner may, if so advised, have his alternative remedy before the Revenue Authority.

4. The revision petition is disposed of. However, it is observed that the observation made by the Executing Court shall not be construed as final expression on the merits of the case.

24.04.2024

neeraj

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(ANIL KSHETARPAL)
JUDGE

No
No