

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

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2024:PHHC:052788

CR-6243-2017 (O&M)
Date of decision: 19.04.2024

HARPAL SINGH

..Petitioner

Versus

GURNAIB SINGH AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Vijay Lath, Advocate
for respondent No.6 and 7.

Mr. Nitin Sharma, Advocate
for respondent No.8.

ANIL KSHETARPAL, J(Oral)

1. Through this revision petition filed under Article 227 of the Constitution of India, the decree holder assails the correctness of the Executing Court's order while settling the issue, which require adjudication.
2. The learned counsel representing the petitioner contends that the Executing Court was not required to cull out issues because the property was held to be joint Hindu family co-parcenary property already and the objector being a subsequent purchaser during the pendency of the suit was bound by the decree. He submits that the objector filed appeal against the decree, which was dismissed.
3. Per contra, the learned counsel representing respondent No.6 and 7 contends that on 28.02.2013, defendant No.1, who was the Karta of the joint Hindu family was restrained from alienating the suit land or part of it without legal necessity. He submits that the objectors are required to have

given opportunity to prove that defendant No.1 has sold the property for legal necessity.

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

5. In the facts and circumstances of the present case, the parties are required to be given opportunity to prove their respective case. The decree dated 28.02.2013 only restrains defendant No.1 Sh. Gurnaib Singh from alienating the property without legal necessity. Hence, an opportunity is required to be given to the vendees, who have purchased the property during the pendency of the suit to prove that the sale was for legal necessity.

6. Hence, no ground to interfere is made out.

7. Dismissed accordingly.

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

April 19th, 2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*