

RA-RS-11-2024 (O&M)in
ESA-03-2024

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. 2024:PHHC:036412

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RS-11-2024 (O&M) in
ESA-03-2024
Date of decision: March 13, 2024

Randhir Jain

....Appellant

Versus

Sai Traders and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Harsh Aggarwal, Advocate
for the applicant-appellant.

ANIL KSHETARPAL, J (Oral)

1. On 9.2.2024, the Execution Second Appeal filed by the applicant was dismissed by a detailed order. Now, a request for review of the judgment dismissing the appeal has been filed. The petitioner claims that the judgment debtor executed an agreement to sell in his favour on 27.04.2015 and thereafter he executed an affidavit and signed Memorandum of Understanding. He submits that documents were not available when the execution second appeal was decided.
2. This Court has considered the submissions in execution of a co-decree for recovery of the amount as Plot No.C-46 owned by Judgment Debtor Deepak Kapoor has been sold in court auction. Admittedly, the petitioner has not filed any suit for specific performance of the agreement to sell.
3. Keeping in view the aforesaid facts, there is no scope to review the judgment passed on 09.02.2024.

4. At this stage, learned counsel representing the review applicant submits that observations made by this Court shall foreclose applicant's rights.

5. This Court has considered the submissions. This Court has only dismissed the Execution Second Appeal. If the petitioner has any independent rights against the Judgment Debtor he may avail in accordance with law. Observations made while dismissing the appeal are restricted to the decision of the Execution Second Appeal.

6. The review application is disposed of.

(ANIL KSHETARPAL)
JUDGE

March 13, 2024
archana

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