



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

ESA-15-2024(O&M)

Date of decision : 25.07.2024

Gurudwara Dukh Niwaran Sahib

...Appellant

Vs.

Pargat Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Kumar, Advocate
 for the appellant.

ANIL KSHETARPAL, J. (Oral)

1. In this execution second appeal, the appellant (third party objector) assails the correctness of the concurrent orders passed by the courts below while dismissing its objection petition.

2. In a civil suit filed by Sh. Pargat Singh-respondent No.1 a decree for possession of the land measuring 01 kanal 0 marla, comprised in Khasra No. 91/85 min, west-south was passed on 03.01.2019. The plaintiff has claimed the property on the basis of a registered sale deed dated 07.06.2004. The decree became final. In execution petition the warrants of possession were issued, which led to the appellant filing the objection petition. The appellant claims that the property was donated for construction of a Gurudwara, which has already been constructed. He submits that no opportunity has been afforded to the appellant to prove his case by leading evidence. He further submits that the Gurudwara is constructed on the land comprised in Khasra 95/88 min and not in Khasra No. 91/85 min.

3. This Court has considered the submission made by the learned
counsel representing the appellant.

4. As far as the contention of the learned counsel representing the appellant that it has not been granted opportunity, it would be noticed that the appellant has failed to even *prima facie* place sufficient material to prove its entitlement. The warrants of possession pursuant to the decree have been issued with respect to the property comprised in Khasra No. 91/85 min and not in Khasra No. 95/88 min. Moreover, the appellant has not produced any material on record to even *prima facie* establish that the Gurudwara is located in Khasra No. 95/88 min and not in Khasra No. 91/85 min. It is not necessary that the third party objections should be decided only after culling out the issues and permitting the parties to lead evidence. The implementation of the decree passed by the court in a speedier manner is the need of the hour.

5. In ‘Rahul S. Shah v. Jinendra Kumar Gandhi and Others’, (2021) 6 SCC 418, the Hon’ble Supreme Court has held that the execution petition should be disposed of within a period of 06 months. Moreover, the appellant put forth its bald averments in the objection petition and failed to produce any documents to prove that in what capacity the Gurudwara came into possession of the suit land.

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

7. Dismissed.

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

25.07.2024

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Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes	No
Yes	No