

CR-2015-2024

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

Sr. No.121

CR-2015-2024

Date of Decision: 07.05.2024

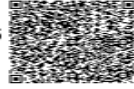
SURENDER SINGH**....Petitioner****Versus****KRISHAN KUMAR AND ANOTHER****.....Respondents****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Rajinder Singh Rana, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 08.11.2017 (Annexure P-5), passed by learned Executing Court, whereby the objections under Order 21 Rule 97 CPC and Section 47 read with Section 151 CPC, filed by the petitioner, were dismissed. Further, challenge is to the order dated 22.12.2023 (Annexure P-7), passed by learned Appellate Court, whereby the appeal filed, was also dismissed.

As per submissions made by learned counsel for the petitioner, initially, Krishan Kumar had filed a suit for specific performance, on the basis of an agreement to sell dated 02.03.2006 against Satvir and the said suit was decided on 21.12.2012 and an alternative relief of refund of money was granted to Krishan Kumar. However, Krishan Kumar had filed an appeal on 04.01.2013 and the same was allowed, vide judgment dated



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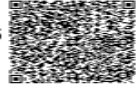
31.01.2013 and relief of specific performance, on the basis of the aforesaid agreement, was granted to Krishan Kumar. However, no further appeal was filed. In the given circumstances, it is evident that there was collusion between Krishan Kumar and Satvir.

Further, learned counsel submits that during the pendency of the suit, filed at the instance of Krishan Kumar, as aforesaid, Satvir had sold the subject property to petitioner-Surender Singh, by way of execution of the sale deed dated 14.02.2011. On query by the Court, it is stated by learned counsel that no agreement to sell, prior to the execution of the sale deed dated 14.02.2011, was executed between the parties. Further, it is submitted that mutation, on the basis of sale deed, had been executed.

Also, it is submitted that in pursuance of suit filed by Krishan Kumar against Satvir, as observed aforesaid, having attained finality, an execution petition was filed and therein, the petitioner-Surender Singh, had filed objections. However, on query, it is disclosed by learned counsel that on the basis of acceptance of the appeal on 31.01.2013, in the execution, the sale deed of the subject property was already executed in favour of Krishan Kumar on 14.11.2013.

At this stage, on further query put by the Court, as to whether learned Executing Court was within the power to set aside the sale deed dated 14.11.2013, which was got executed in due process of law, learned counsel has submitted that the petitioner is in possession of the suit property and he had also filed a suit for permanent injunction, which was decreed vide judgment dated 27.11.2017 and the appeal filed by Krishan Kumar, was also dismissed.

But anyhow, at this stage, learned counsel submits that he does



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not want to pursue with the present revision petition, which may be dismissed as withdrawn, as the petitioner shall be seeking appropriate remedy, *vis-a-vis*, the sale deed dated 14.11.2023.

In view of the submission, so made by learned counsel for the petitioner, without prejudice to the rights of the parties to be adjudicated in any other proceedings, the instant revision petition is hereby dismissed as withdrawn.

07.05.2024

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No