

ESA-13-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ESA-13-2024 (O&M)
Date of Decision: 02nd April, 2024

Monu Kumar

... Appellant/Objector

V/s.

Neelam Sukhija and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Sandeep Kumar, Advocate
for the appellant/Objector.

ANIL KSHETARPAL, J.(Oral)

1. Third party objector has filed this Execution Second Appeal. He wants to stop implementation of the judgment and decree for specific performance of the Agreement to Sell passed in favour of respondent No. 1 on 16.12.2017. The appellant claims to have purchased the property from the Judgment Debtor on 09.12.2014, whereas Judgment Debtor entered into an Agreement to Sell with respondent No. 1-Decree Holder on 27.11.2014. The Judgment Debtor did not honor the Agreement to Sell forcing the decree holder to file suit for specific performance of the Agreement to Sell which was decreed on 16.12.2017. The sale deed in favour of the appellant is subsequent to the Agreement to Sell, hence the appellant's rights are

subservience to the rights of the decree holder. Moreover, both the Courts have found that in-fact it is the JD and her husband who is in possession and not the appellant. Hence, no ground is made out to entertain this appeal.

2. Dismissed.
3. All the pending application(s), if any, are also disposed of.

02nd April, 2024

Seema

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No