



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ESA No.34 of 2019 (O&M)

Date of Order:21.05.2024

Kesar Khan

.Appellant

Versus

Darbara Singh @ Dalbara Singh (since deceased) through his LRs
and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanwaljit Singh Brar, Advocate
Legal Aid Counsel for the appellant.

Mr. Sherry K. Singla, Advocate
for respondent no.1.

ANIL KSHETARPAL, J

1. The appellant herein is a third party objector in a decree dated 17.03.2004, which was passed against Boota Khan. In the execution petition, the house of the appellant is alleged to have been sold in a court auction. Subsequently, the sale certificate was also issued. When the case was pending for issuance of warrants of possession, the appellant filed objection claiming that he is owner of the property which was orally gifted to him by Smt. Naziran. The Executing Court dismissed the appellant's application which in appeal has been affirmed by the Appellate Court.

2. The learned counsel representing the parties have been heard at length.

3. Though, the learned counsel representing the appellant has made sincere attempt, however failed to draw the attention of the court to any substantive error. It may be noted here that the memorandum of oral

gift is dated 30.09.2010, whereas the decree was passed in the year 2004. Moreover, the appellant is brother of the Judgment Debtor, namely, Sh. Boota Khan.

- 4. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
- 5. Dismissed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

May 21, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO