

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

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2024:PHHC:004632

ESA-35-2019 (O&M)

Date of decision: 15.01.2024

SAROJ RANI AND ANOTHER

..Appellants

Versus

RAKESH BANSAL AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Damanjit Singh Sandhu, Advocate
for the appellants.

Mr. P.S. Dhaliwal, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. This execution second appeal has been filed by the petitioners to challenge the correctness of order passed by the Executing Court while dismissing their objection petition, which in appeal has been affirmed by the First Appellate Court. The petitioners herein claim to have purchased the property from Sh. Raj Kumar vide registered sale deed executed on 30.10.2006. On 09.11.2006, Sh. Rakesh Bansal filed a suit for possession by way of specific performance of the agreement to sell, which was decreed on 07.03.2011. In the aforesaid judgment, it was declared that sale deed in favour of Sh. Raj Kumar is illegal and not binding on the rights of the decree holder. In fact, Sh. Raj Kumar had purchased the property from Jagtar Singh. As already noticed, the petitioners are claiming to have purchased the property from Sh. Raj Kumar. Once, Sh. Raj Kumar was not the owner, he had no authority to transfer any right in favour of the petitioners. With these observations both the Courts have dismissed the objection petition filed by the petitioners.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. The learned counsel representing the appellant contends that the petitioners are the bonafide purchasers and they are residing in the house since 2006.

4. This Court has considered the submissions of the learned counsel representing the parties.

5. As already noticed, the petitioners are claiming their title on the basis of the sale deed executed by Sh. Raj Kumar, who had no right, title or interest in the suit property.

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

7. Dismissed accordingly.

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

January 15th, 2024

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**(ANIL KSHETARPAL)
JUDGE**

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