



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

CR-3809-2024(O&M)

Date of decision : 11.07.2024

**Laljit Singh @ Laljeet Singh
and another**

...Petitioners

Vs.

**Smt. Shamsher Kaur @ Shamsher Kaur Dhillon
and another**

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Ashish Aggarwal, Sr. Advocate with
Ms. Aashna Aggarwal, Advocate;
Mr. Vishal Pundir, Advocate and
Mr. Karnesh Verma, Advocate
for the respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. In this revision petition, the petitioners assail the correctness of an order passed by the First Appellate Court while dismissing their application for stay of operation of the judgment and the decree dated 29.05.2024. The petitioners' claim to be third party objectors.

2. In order to comprehend the issues involved in the present case, some relevant facts, in brief, are required to be noticed.

3. Smt. Shamsher Kaur @ Shamsher Kaur Dhillon filed a suit for grant of the mandatory injunction directing the defendant to put the plaintiff in actual physical possession of the property measuring 406 sq. yards on the ground that the



plaintiff vide registered sale deed dated 25.09.1979 and correction deed dated 18.05.1998, is the owner of the property. During the pendency of the aforesaid suit, the parties entered into a settlement. It was agreed that the defendant will hand over the possession of the property to the plaintiff (decree-holder) by 31.03.2021. The civil court passed a decree on 28.03.2019 on behalf of the compromise.

4. When the decree was sought to be executed, the judgment debtor filed objections, which were dismissed on 14.10.2022. The judgment debtor filed a revision petition, which was dismissed on 05.12.2022. Subsequently, the judgment debtor filed a separate suit challenging the correctness of compromise deed.

5. The petitioner filed objection petition claiming that the judgment debtor with the consent of the decree-holder has donated the shop in favour of the petitioner. Initially, the Executing Court culled out the issues while calling upon the parties to lead evidence. This order was set aside on 07.05.2024 while deciding CR-3546-2024. Now, the objection petition filed by the petitioner has been dismissed. They had filed appeal alongwith an application for grant of injunction, which has been dismissed by the First Appellate Court.

6. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

7. On a Court question, the learned counsel representing the petitioner submits that there is no documentary evidence to prove that the judgment debtor with the consent of the decree-holder donated the shop to the petitioners. In December 2019, in any case it is highly improbable that the judgment debtor with the consent of decree-holder would only donate the property to the petitioners,

particularly, when the judgment debtor was contesting his eviction tooth and nail. He did not surrender the possession despite a Court decree. Furthermore, it has been brought to the notice of the Court that the petitioners are using the same GST number of the judgment debtor.

8. Hence, no ground to interfere is made out.
9. Dismissed.
10. All the pending miscellaneous applications, if any, are also disposed of.

11.07.2024

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(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No