

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CR-5568-2019
Date of decision: 06.05.2024

ASHA RANI (DECEASED) THROUGH LR ..Petitioner

Versus

SUDHA BALA CHADHA AND ANOTHER ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. Karan Garg, Advocate
for Ms. Loveinder Kaur Brar, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. In this revision petition, the petitioner challenges the correctness of Executing Court's order passed on 30.05.2019, while dismissing his application under Section 47 and 60(ccc) of the Code of Civil Procedure, 1908.
2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
3. Smt. Asha Rani widos of Sh. Gurdev Raj was owner of the property. Vide registered sale deed dated 19.08.2003, which was registered on 01.09.2003, she sold the property in favour of Smt. Sudha Bala Chadha. Subsequently, Smt. Sudha Bala Chadha filed Civil Suit No.435 of 30.01.2004, claiming relief of possession along with recovery of compensation for use and occupation of the house in question at the rate of Rs.1,000/- per month. It was claimed that the vendee was put in possession

after registration of the sale deed. Thereafter, Smt. Asha Rani sought permission to reside in the house, which was granted, however, the licence of Smt. Asha Rani has been terminated. Smt. Asha Rani defended the suit claiming that the registered sale deed executed by her is on account of misrepresentation. On 17.03.2007, the suit was decreed with the following observations:-

“13. In the light of my above discussion on issue No.1 & 2, suit of the plaintiff is decreed without costs to the effect that plaintiff is entitled for possession of the house in dispute, as detailed in the headnote of the plaint. Plaintiff is further held entitled for recovery of amount of compensation for use and occupation of the house in dispute @ of Rs.1000/- per month since the termination of licence of the defendant i.e. from 8.10.03 till the defendant delivers the actual possession of the house in dispute to the plaintiff. Decree sheet be prepared and file be consigned to the record room.”

4. The petitioner Sh. Lakhvir Kumar son of Smt. Asha Rani filed objection petition on the ground that the decree is not executable. The Executing Court has dismissed the objection petition.

5. The learned counsel representing the petitioner contends that this is the only residential house of the petitioner. He submits that under Section 60(ccc) of the Code of Civil Procedure, 1908, the aforesaid house is not liable to attachment and sale.

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

7. It is evident that Smt. Asha Rani claims to be owner of the property by virtue of a subsequent agreement dated 28.07.2010. However, such agreement would not result in transfer of title of immovable property worth more than Rs.100/-.

8. Keeping in view the aforesaid facts, no ground to interfere is made out.
9. Dismissed accordingly.
10. All the pending miscellaneous applications, if any, are also disposed of.

May 06th, 2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No