

2024:PHHC:007128

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

ESA-40-2017 (O&M)

Date of decision: 19.01.2024

Lakhbir Kaur

....Appellant

Versus

Bijender Pal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vaibhav Jain, Advocate for the appellant

Mr. Kulbhushan Sharma, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. This Execution Second Appeal has been filed by the appellant, who had filed objection petition in an execution petition. The Executing Court dismissed the objection petition, which in appeal, has been affirmed by the First Appellate Court.

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

3. The appellant herein claims to be wife of Sh.Swaran Singh. In a judgment and decree dated 24.07.2015, Sh.Swaran Singh was declared to be the owner of the property. He sold the property in favour of Sh.Bijender Pal, the decree holder vide sale deed dated 28.08.2014. Subsequently, Sh.Bijender Pal filed a suit for grant of mandatory and permanent injunction against Sh.Swaran Singh, Smt.Harbhajan Kaur and Sh.Gurinder Singh. The aforesaid suit culminated into an award passed by the Lok Adalat on 21.05.2016. In view of the aforesaid award, Sh.Swaran Singh undertook to vacate

and handover possession of the premises to Sh. Bijender Pal. The appellant namely Smt.Lakhbir Kaur filed an appeal to challenge the correctness of the award passed by the Lok Adalat. The aforesaid appeal was dismissed by a detailed order passed on 15.07.2017.

4. Learned counsel representing the appellant contends that third party objections have been decided without framing issues in this case. He submits that the Executing Court has erred in dismissing the objection petition in a summary manner.

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. As is evident, the appellant had already filed an appeal against the award passed by the Lok Adalat, which has been dismissed, on merits. The aforesaid judgment thus becomes final. Moreover, vide judgment and decree dated 24.07.2015, Sh.Swaran Singh was declared to be owner of the property.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.

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

19.01.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE