

In the High Court of Punjab and Haryana, at Chandigarh**Execution Second Appeal No. 206 of 2018 (O&M)****Date of Decision: 09.01.2024**

Raj Kumar

... Appellant(s)

Versus

Poonam and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Avnish Mittal, Advocate
for the appellant(s).Mr. Sherry Singla, Advocate
for the respondent No.1 to 3.**Anil Kshetarpal, J.**

1. After hearing the learned counsel representing the parties on 04.01.2024, the following order was passed:-

“The learned counsel representing the parties have been heard at some length. A perusal of the decree passed by the trial Court on 08.05.2012, shows that the Court has passed a decree of possession by way of specific performance of the agreement to sell with respect to the land measuring 26 kanals and 16 marlas out of the total land measuring 203 kanals and 1 marla.

It is evident that the agreement to sell with respect to the land measuring 26 kanlas and 16 marlas was with respect to the undivided share in the joint land.

The learned counsel representing the respondent No.1 to

3 submits that the decree is to execute the sale deed in favour of the appellant with respect to his share in the undivided land, hence, delivery of possession of land comprised in specific parcel of land is not appropriate.

The learned counsel representing the appellant prays for a short accommodation to further examine the matter.

List on 09.01.2024, in the urgent list.

No further request, written or oral, for grant of an adjournment, shall be entertained.”

2. Upon realizing that though the appellant’s suit for possession by way of specific performance of the agreement to sell has been decreed with respect to the land measuring 26 kanals and 1 marla along with sugarcane crop, trees and two shops out of the total land measuring 203 kanals and 1 marla, however, there is no reference to any specific parcel of the land measuring 26 kanals and 1 marlas comprised in various khasra numbers. He prays for permission to withdraw the present appeal with liberty to file an appropriate application before the Court for correction of the decree.

3. Ordered accordingly.

(Anil Kshetarpal)
Judge

January 09, 2024
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No