

2024:PHHC:014626
140 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
ESA-48-2023 (O&M)
Date of decision: 01.02.2024

Savitri Devi

....Appellant

Versus

Suman and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Mani Ram Verma, Advocate for the appellant
Mr. Mukesh Kumar Verma, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. This is Execution Second Appeal filed by the third party objector to challenge the correctness of the detailed order passed by the First Appellate Court, while accepting the appeal filed by the decree-holder. The dispute is with respect to implementation of a decree passed on 07.09.2016 in favour of the respondents (decree holders) with respect to plot comprised in Rect.121 Killa no. 9/2/1/1/2 (0-11). The First Appellate Court has found that the appellant vide registered sale deed dated 09.11.2015 purchased a plot measuring 90 square yards comprised in Rect.no.121 killa no.9/2/3/4/1 and the Local Commissioner has found that she is in possession of the shop measuring 38 square yards. Thus, the court concluded that the appellant has purchased a separate parcel of land by registered sale deed and therefore, there is no substance in her objection petition. The correctness of the aforesaid order has been challenged in this appeal.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. Learned counsel representing the appellant submits that the decree passed in favour of the respondent is only for injunction and once the appellant was found in possession of 38 square yards shop, the decree against her could not be implemented. He further submits that though the registered sale deed executed in favour of the appellant is with respect to plot measuring 90 square yards comprised in Rect.no.121/9/2/3/4/1 but in fact the entire land is joint.

4. This Court has considered the submissions made by the learned counsel representing the parties and perused the copy of the registered sale deed dated 09.11.2015 executed in favour of the appellant. The aforesaid sale deed is with respect to 90 square yards plot comprised in khasra no. 121/9/3/4/1. Moreover, a perusal of Akas sajra/layout plan, it is evident that various plots carved out of khasra no.9 have been assigned different khasra numbers. The appellant has purchased the property, which is located far away from the disputed plot. It is also evident that the Local Commissioner appointed by the court reported that the appellant is in possession of 38 square yards land comprised in khasra no. 9/2/1/1/2.

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

6. Hence, dismissed.

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

01.02.2024

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

(ANIL KSHETARPAL)
JUDGE