

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

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2024:PHHC:046553

CR-4595-2017

Date of decision: 05.04.2024

VIKRAMJIT SINGH (DECEASED) THROUGH LRS. ..Petitioner

Versus

INDERJIT SINGH AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Liaqat Ali, Advocate
 for the petitioner.

 Mr. Deepak Sharma, Advocate
 for respondent No.1

ANIL KSHETARPAL, J(Oral)

1. This revision petition has been filed by the third party objector Sh. Vikramjit Singh to challenge the correctness of the Executing Court's order dated 25.05.2017, while dismissing his objection petition.

2. The suit filed by Sh. Inderjit Singh for the grant of decree of possession with respect to a residential house against Sh. Achhra Singh son of Sh. Gurmukh Singh was decreed on 21.04.2012.

3. The petitioner Sh. Vikramjit Singh claims to be owner in possession of the suit property by virtue of a sale deed executed by Sh. Jaswinder Singh son of Sh. Harbans Singh son of Sh. Gurmukh Singh son of Sh. Devi Dutta on 28.05.2012. The Executing Court has dismissed the petitioner's objection petition on the ground that Sh. Harbans Singh is party to the Civil Court decree passed on 21.04.2012.

4. During the course of hearing, the learned counsel representing the parties do not dispute that the Executing Court has factually erred while making such observations. The attention of the Court has been drawn to the

copy of the judgment passed in the civil suit filed by Sh. Inderjit Singh

against Sh. Achhar Singh in which Sh. Harbans Singh or Sh. Jaswinder Singh are not parties.

5. Keeping in view the aforesaid undisputed position, this Court is left with no choice but to set aside the impugned order dated 25.05.2017 while remitting the matter back to the Executing Court to decide the matter afresh. The third party objections are required to be decided like a civil suit. Hence, the Executing Court may, if required, settle the issues and called upon the parties to lead evidence.

6. With these observations, the present petition is allowed.

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

April 05th, 2024

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(ANIL KSHETARPAL)
JUDGE

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