

138 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6406-2023(O&M)
Date of decision :04.04.2024

Harjit Singh

...Petitioner

Vs.

Supinder Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajbir Singh, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is a decree-holder. The objection petition filed by the Judgment Debtor No.3 has been accepted. He is purchaser of the property for valuable sale consideration from the Judgment Debtors No. 1 and 2.
2. The petitioner filed a suit for specific performance of the agreement to sell claiming that the defendants No.1 and 2 being owners had entered into agreement to sell upon receipt of Rs. 36,56,000/-. The Judgment Debtor No.3 being the purchaser was impleaded as a party. The Court granted alternative relief of recovery of the amount from the plaintiff. No specific decree against the Judgment Debtor No.3 was passed. In the facts of the case, the Executing Court has held that the Judgment Debtor No. 3 is not liable to pay the amount. The amount can be recovered only from the Judgment Debtors No. 1 and 2. The aforesaid observation has been upheld in the appeal.

2. Learned counsel representing the petitioner contends that the decree has been passed against all the defendants, which has become final

between the parties. He submits that the petitioner is entitled to recover the amount from any of the Judgment Debtor.

3. This Court has considered the submissions of learned counsel representing the petitioner and pursued the judgment passed by the Court while granting alternative relief to the plaintiff. It is evident that no specific decree against Judgment Debtor No.3 has been passed. There is no specific issue that the Judgment Debtor No.3 is liable to pay the amount to the plaintiff. It is admitted position that the Judgment Debtors No.1 and 2 received the amount. The Judgment Debtor No.3 has purchased the property by registered sale deed after paying valuable consideration to the defendants No 1 and 2. Hence, the Judgment Debtor No.3 is not liable to pay the amount to the plaintiff. Though, the decree passed by the Court is vague, however, upon comprehensive reading of the judgment passed by the trial Court while decreeing plaintiff's suit for recovery, it is evident that the Court intended to pass decree for recovery only against the Judgment Debtors No. 1 and 2.

4. Hence, no ground for interference is made out.

5. Dismissed.

04.04.2024

neeraj

Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes	No
Yes	No