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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-1651-2024 (O & M)
Date of decision:30.01.2025

KR. TEJPAL SINGH (SINCE DECEASED) THR LRS ...PETITIONER

VS.

LEHNA (NOW DECEASED) THR LRS AND ORS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sachin Mittal, Advocate,
Mr. Arnav Mittal, Advocate &
Mr. Parth Sharma, Advocate
for the petitioner.

SUVIR SEHGAL, J.

1. Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 06.10.2023, Annexure P-3, passed by the learned Civil Judge (Jr. Division), Karnal, whereby execution petition preferred by the petitioner, has been dismissed.

2. Counsel for the petitioner has stated that a decree for possession by way of specific performance of agreement to sell dated 29.06.1985 was passed in favour of the petitioner and the legal representatives of the deceased-respondent No.1 were directed to get the sale deed in respect of 8 kanals of land executed upon receiving the balance sale consideration of

Rs.20,000/- within a period of two months. He submits that the petitioner



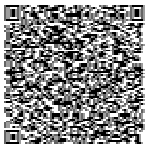
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filed an execution petition and the sale deed was executed and registered on 10.10.2014 by a Local Commissioner appointed by the Court and the execution petition was withdrawn. He asserts that petitioner is entitled to the actual physical possession of the purchased land and he moved a fresh execution petition, which has been erroneously declined by the Executing Court vide the impugned order.

3. I have heard counsel for the petitioner and considered his submission.

4. Undisputedly, petitioner was successful in a civil suit filed by him and a decree for possession by way of specific performance was passed in his favour vide judgment dated 22.01.1997, Annexure P-1. During execution, a sale deed was executed and the petitioner withdrew the execution petition. An examination of the judgment, Annexure P-1, shows that Lehna Singh, predecessor of the respondents, had entered into an agreement for sale of 08 kanals land, out of his total share holding of 160/2551 in land measuring 127 kanals 11 marlas in the revenue estate of Gharonda District Karnal. It is, therefore, evident that the petitioner had purchased a share in the joint holding of the vendor. No specific khasra number has been sold to him and petitioner has got symbolic possession of the land and a mutation has been sanctioned in his favour. As a consequence, he has become share-holder in the joint holding. Petitioner cannot claim actual physical possession through the medium of an execution petition. The only remedy available to him is to file a suit for partition. There is no illegality or perversity in the order passed by the Executing Court.



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5. Finding no merit in the petition, it is dismissed with no order as to costs.

30.01.2025
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No