



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CR- 1226-2025

Decided on:27.02.2025

M/s Tarun Printers

... Petitioner

Versus

Savesh Kumar Jindal and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Saket Bhandari, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 05.02.2025 (Annexure P-7) passed by the Civil Judge (Sr. Divn.), Ludhiana.
2. Learned Senior counsel for the petitioner, *inter alia*, contends that in the present case, the suit for specific performance was filed in the year 2007 whereas the petitioner has been sitting as a tenant in the premises in question prior to 2007 and in order to *prima facie* show that the possession of the petitioner is prior to 2007, learned Senior counsel for the petitioner has referred to the registration certificate dated 26.09.1997 (Annexure P-10) as well as Annexure P-13 which is a certificate issued by the Punjab National Bank stating that the petitioner, who is carrying on business in 409, Industrial Area-A, R. K. Road, Ludhiana, has an account in the Bank since 19.04.2005. Learned Senior counsel for the petitioner has further submitted that the petitioner has already filed his third party



objections which are under active consideration by the Executing Court and the limited reason for the petitioner to file the present revision petition is that while dismissing the objections of the Judgment Debtor, the Executing Court had in its order dated 05.02.2025 observed that even in case the property is in possession of the tenants, they are bound to handover the possession in view of the orders passed by the Court. It is submitted that since the petitioner was not a party in the said order, thus, the observations made in the said order should not be treated as binding on the petitioner and the petitioner be granted liberty to raise all the pleas available to him in his objections dated 21.02.2025 (Annexure P-20) and the Executing Court be directed to consider the said objections independently *de hors* of the abovesaid observations made in the order dated 05.02.2025.

3. This Court has heard learned Senior counsel for the petitioner and has perused the paperbook.

4. A perusal of the order dated 05.02.2025 would show that the Civil Judge (Sr. Divn.), Ludhiana/Executing Court had dismissed the objections filed by the Judgment Debtor and while dismissing the same, had further observed that even in case, the property is in possession of the tenants, they are bound to handover the possession in view of the orders passed by the Court. A further perusal of the said order would show that the present petitioner was not a party to the said order. The petitioner has filed independent third party objections dated 21.02.2025 (Annexure P-20) which are stated to be under active consideration. It is a matter of



settled law that the observations made in the order, in which the petitioner was not a party, are not binding on the petitioner.

5. Keeping in view the abovesaid facts and circumstances and the limited prayer made on behalf of the present petitioner, the present Civil Revision Petition is disposed of with the direction to the Executing Court to decide the objections dated 21.02.2025 (Annexure P-20) filed by the petitioner, in accordance with law.

6. It is further made clear that the said objections dated 21.02.2025 (Annexure P-20) would be decided independently, without being influenced by the observations which have been made in the order dated 05.02.2025 vide which the objections of the Judgment Debtor have been dismissed and in which the present petitioner was not a party.

7. It is made clear that this Court has not opined on the merits of the objections dated 21.02.2025 (Annexure P-20) and the said objections would be decided by the Executing court after hearing both the parties, independently, in accordance with law.

8. No notice is being issued to the respondents as no order prejudicial to the respondents has been passed. However, in case, the respondents are aggrieved with the observations made in the present order, it would be open to them to move an application for recalling of the present order.

27.02.2025

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/~~No~~
~~Yes~~/No

(VIKAS BAHL)
JUDGE