



In the High Court of Punjab and Haryana, at Chandigarh

Execution Second Appeal No. 40 of 2023 (O&M)

Date of Decision: 16.05.2025

Rajnish Puri and Another

... Appellant(s)

Versus

Sanjay Mehta (Since Deceased) through his Legal Representatives and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. N.K.Manchanda, Advocate
for the appellant(s).

Mr. Navdeep Jain, Advocate
for Mr. Sunny K. Singla, Advocate
for the legal representatives of respondent No.1.

Anil Kshetarpal, J.

CM-7527-C-2023

1. This is an application for condonation of delay of 1436 days in filing the appeal. For the reasons stated in the application, the same is allowed and delay of 1436 days in filing the appeal stands condoned.

ESA-40-2023

2. The appellants claim to be the tenants in possession as well as the purchasers of the property during the pendency of the suit for possession by way of specific performance. Hence, both the Courts below held that the sale deed in favour of the appellants is governed by rule of *lis pendens* and hence, shall abide by the possession of the main suit for specific performance of the agreement. Qua the appellants' claim on the basis of the

tenancy, the First Appellate Court has ordered that the appellants shall not be physically dispossessed and only symbolic possession of the property measuring 300 square yards shall be delivered to the decree holder.

3. The learned counsel representing the appellants submits that they are the bonafide purchasers of the property. But it is pertinent to mention that such defence is not available to a person who claims to be a bonafide purchaser unless he comes within the exempted category under Section 52 of the Transfer of Property Act, 1882. The appellants have not proved that they fall in the exempted category.

4. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders passed by both the Courts below. Hence, the present appeal is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

May 16, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No