



ESA-14-2021(O&M)

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

ESA-14-2021(O&M)

Date of decision:02.05.2025

Kavita and another

..Appellants

Versus

Satbir Singh (since deceased) through his LRs

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanwar Abhay Singh, Advocate for the appellants

Mr. Sumit Sangwan, Advocate for respondent no.1 (i)

Mr.Navneet Singh, Advocate for respondent no.1(ii)

ANIL KSHETARPAL, J. (Oral)

1. The appellants are purchasers of the property subsequent to the passing of the decree for specific performance of the agreement to sell. The decree was passed in favour of Satbir and against the judgment debtor. As per the findings of the fact, the appellants are closely related to the judgment debtor. The Executing Court has recorded the following findings:-

“There are two things to be observed in these objections-firstly, whether the objectors are actually third party and secondly, whether they are bonafide purchasers. The details of the objectors are given on the bottom of the objections as Ram Kaur wife of Mahender son of Ram Kishan and Kavita wife of Surender son of Jodh Ram and daughter of Mahender son of Ram Kishan. On perusal of the title of civil suit, it is disclosed that Ram Kishan is the grandfather of JD No.1 and father of JD No.2, 3 and 4 and grandfather of JD No.6 and is also father-in-law of Ram Kaur the present objector.



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Similarly, objector No.2 namely Kavita is the real niece and sister of JD No.1 to 6 being daughter of Mahender son of Ram Kishan. Therefore, the relationship between both the objectors and the present JDs shows that the objectors and JDs are closely related to each other and in blood relation and they are not actually third party to the suit.”

2. Learned counsel representing the appellant submits that the decree-holder failed to deposit the amount within a period of 2 months. Hence, the conditional decree will not benefit the decree-holder.

3. This Court has considered the submissions made by the learned counsel representing the parties.

4. After the suit was decreed on 03.03.2000, the decree-holder filed an application under Section 152 of the Code of Civil Procedure, 1908 which was dismissed on 04.05.2006. He filed CR-3847-2011 which was dismissed on 23.04.2013. The judgment debtor objected to the implementation of the decree on the ground that the decree-holder has failed to deposit the amount within the prescribed time, which was dismissed. The aforesaid order of the trial court was upheld by the High Court in CR-7359-2015 decided on 06.05.2016.

5. Learned counsel representing the appellant does not dispute the correctness of the observations made by the Executing Court that the appellants are related to the judgment debtor. Thus, they are not third party but representatives of the judgment debtor, who has already lost.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.



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

(ANIL KSHETARPAL)
JUDGE

02.05.2025

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