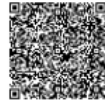


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

118

2025:PHHC:030281



**ESA-25-2023 (O&M)
Date of decision: 04.03.2025**

PARVESH KUMARI ALIAS PARVESH DEVI ..Appellant

Versus

SUNITA DEVI AND OTHERS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

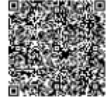
Present: Ms. Jannat Duhan, Advocate
 for the appellant.

Mr. Birender Singh Rana, Sr. Advocate
with Mr. Manav Dhull, Advocate
Mr. Nayandeep Rana, Advocate
for respondent No.1, 2, 4 & 5.

ANIL KSHETARPAL, J(Oral)

1. The First Appellate Court has directed the Executing Court to adjudicate the objections filed by subsequent vendees who have purchased share in the joint property by registered sale deeds on payment of valuable consideration.

2. A suit for possession by way of partition was filed by the appellant. In the aforesaid suit, preliminary decree for partition was passed on 17.01.2011, whereas, the final decree was passed on 17.02.2016. During the pendency of the suit, the co-owners kept disposing of the property by registered sale deeds. After the final decree for partition was filed, execution petition was filed. Warrants for possession were issued. At this stage, the objectors filed objection petitions, which were casually dismissed by the trial Court. The First Appellate Court has only directed the Executing Court to decide the matter afresh after granting the objectors opportunity to lead evidence.



3. Learned counsel for the appellant claims that the objectors being governed by rule of *lis pendens*, now have a right to be heard.

4. This Court has considered the submissions of learned counsel for the appellant.

5. Section 52 of the Transfer of Property Act, 1882, only provides that the rights of the parties to the litigation shall not stand adversely affected by transfer during the pendency of the suit, however, in a partition of a joint property, the share of respective co-owners shall not be adversely affected, however, the subsequent purchasers during the pendency of the suit are required to be heard before the decree is given effect to.

6. Hence, no ground to interfere is made out.

7. Dismissed accordingly.

8. However, the Executing Court is requested to decide the objections expeditiously.

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

March 04th, 2025

Ayub

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*