



208

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

CR-2564-2024 (O&M)

Date of Decision : 22.07.2025

Randhir Jain

... Petitioner(s)

Versus

Sai Traders & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Kaura, Advocate for the petitioner.

Mr. Manu Loona, Advocate for respondent Nos.1 and 2.

Mr. Sarju Puri, Advocate for respondent Nos.3 and 4.

Mr. J.S. Brar, Advocate
for the applicant in CM-12663-CII-2024.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the order dated 30.03.2024 (Annexure P-18) vide which the third-party objections filed by the petitioner herein have been dismissed.

2. Brief facts relevant to the present *lis* are that respondent No.4 herein - Deepak Kapoor - alongwith Sanjeev Bajaj and Madan Lal constituted a partnership firm under the name and style M/s National Industries (India) for carrying on the business of manufacturing of plywood etc. Plaintiff-respondent No.1 – Sai Traders – filed a suit on 05.09.2012 being CS No.204 of 2015 for recovery of an amount of ₹14,00,000/- against the partnership firm of respondent No.4 herein – Deepak Kapoor – and its partners. The said civil suit was decreed by the Trial Court vide the judgment and decree dated 26.10.2018 (Annexure P-3). The first appeal preferred by Deepak Kapoor and

his Firm is stated to be pending. The plaintiff-respondent No.1 herein filed an execution application in which two properties owned by Deepak Kapoor and the Firm were attached being Plot Nos.C-46 and C-47 situated at Focal Point, Kotkapura. An application was filed on 30.11.2022 (Annexure P-6) by the Firm - National Industries (India) through Deepak Kapoor - stating therein that warrants of sale may be issued qua property No.C-47 and not C-46. The said application was allowed vide the order dated 30.01.2023 (Annexure P-7) and sale of Plot No.C-46 was ordered by the Executing Court. On 28.03.2023 third party objections (Annexure P-9) were filed by the petitioner herein qua attachment of property No.C-46 situated at Focal Point, Kotkapura which were dismissed by the Executing Court vide order dated 18.09.2023 (Annexure P-10). Aggrieved by the same, an appeal was preferred which was also dismissed vide order dated 20.12.2023 (Annexure P-12). It is apt to note that in the said objections filed by the petitioner herein, it was stated that the petitioner had purchased the property from Deepak Kapoor for a valuable consideration after getting permission from the Punjab Small Industries and Export Corporation Limited in the year 2017 and that he was a *bona fide* purchaser of the property and in possession thereof. It was further stated that at the time of purchase there was no entry regarding attachment of the property in the record and the same was free-from all encumbrances. He, therefore, filed the application for release of the property. After dismissal of the first appeal filed by the petitioner herein, ESA No.3 of 2024 was preferred by the petitioner which was dismissed vide order dated 09.02.2024 (Annexure P-14). The operative part of the said order reads as under :

“7. In this case, a suit for recovery was filed by the decree holder against the Judgment Debtor. During the pendency of the suit, vide order dated 20.08.2015, Industrial Site Nos.C-46 and C-47 were attached. There is no material to prove that there was any transaction between the appellant and Judgment Debtor No.2- Sh. Deepak Kapoor. Admittedly, the appellant has never sought the specific performance of the agreement to sell. A period of nearly 7 years have elapsed from the date the Punjab States Industries and Export Corporation Limited granted permission which was valid only for a period of six months. After a passage of six months, the permission lapsed. The Punjab States Industries and Export Corporation Limited has repeatedly issued notice to the appellant to comply with the terms. The learned counsel representing the respondent (Judgment Debtor No.2) has explained that affidavit dated 17.05.2017 was submitted on a prescribed performa and the appellant never paid the entire sale consideration as would be evident from various communications between the parties.

8. In view of the aforesaid discussion, it is evident that the appellant is not even entitled to claim protection under Section 53-A of the Transfer of Property Act, 1882, because there is no written agreement to sell between the parties.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed.

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

Thereafter, a review application was preferred being RA-RS-11-2024 in ESA-3-2024 which was also dismissed vide order dated 13.03.2024

(Annexure P-15). The said order in ESA-3-2024 and the review order attained finality inasmuch as the petitioner chose not to challenge the same before the Hon'ble Supreme Court. Subsequently, the petitioner filed a second set of objections on 11.01.2024 (Annexure P-16) wherein the very same grounds which were taken in the first set of objections were again raised. Reply was filed to the said objections by the decree holder. Vide the impugned order dated 30.03.2024 (Annexure P-18) the said objections have been dismissed. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel for the petitioner would contend that the petitioner has become the owner of the property No.C-46, situated at Focal Point, Kotkapura, District Faridkot having purchased the same from Deepak Kapoor. Learned counsel has referred to the permission for the sale of Industrial Plot No.C-46 situated at Focal Point, Kotkapura which was issued by the Punjab Small Industries and Export Corporation Limited to contend that permission was duly granted for the sale of the property. Learned counsel for the petitioner has further referred to an affidavit of Deepak Kapoor, the alleged seller, in support of his argument that he had purchased the property. Learned counsel for the petitioner has further relied upon the indemnity bond which was submitted by Deepak Kapoor as well as the affidavit submitted by the petitioner herein.

4. *Per contra*, the learned counsel for respondent Nos.3 and 4 would contend that the same objections which have now been sought to be raised in the second objection petition were raised in the first objection petition which was dismissed vide order dated 18.09.2023 and the first appeal preferred by the petitioner was dismissed on 20.12.2023. ESA No.3 of 2024

preferred by the petitioner challenging the said orders was also dismissed on 09.02.2024 and thereafter the review application preferred by the petitioner was also dismissed vide order dated 13.03.2024. The said orders attained finality inasmuch as the same were never challenged by the petitioner before the Hon'ble Supreme Court and, therefore, the petitioner cannot now reagitate the matter in the present revision petition.

5. I have heard the learned counsel for the parties.

6. In the present case the petitioner had earlier filed third-party objections raising the same very grounds which objections were dismissed by the Executing Court vide order dated 18.09.2023 (Annexure P-10) and the first appeal preferred by the petitioner was dismissed vide order dated 20.12.2023 (Annexure P-12) by the District Judge, Faridkot. Subsequently, an ESA was preferred before this Court being ESA No.3 of 2024 which was also dismissed vide order dated 09.02.2024 (Annexure P-14). The concluding part of the order has been reproduced hereinabove. Not satisfied by the dismissal of the ESA, a review application was preferred by the petitioner herein which also stood dismissed vide order dated 13.03.2024 (Annexure P-15). Interestingly, during the pendency of the ESA which was filed on 24.12.2023, the petitioner herein filed a second objection petition before the Executing Court on 11.01.2024. Reply was filed by the decree-holder-respondents and vide the impugned order dated 30.03.2024 (Annexure P-18) the third-party objections were once again dismissed. The petitioner this time after dismissal of his objections opted to file a revision petition. A query was put by the Court as to how a second objection petition was even maintainable, the first having been dismissed upto this Court and having attained finality, in the absence of

the same having been challenged before the Hon'ble Supreme Court. In response the learned counsel for the petitioner has only stated that this was a clear case of fraud which was played upon him and a FIR has also been lodged and, therefore, he had filed the second objection petition. At this juncture the learned counsel for respondent Nos.3 and 4 has pointed out that regarding the FIR which is stated to have been lodged by the petitioner, a cancellation report has been prepared. There is no explanation forthcoming as to how the entire matter can be reagitated by the petitioner by filing fresh third-party objections when the matter stood concluded and the order passed in the ESA attained finality. Dehors the above, there is no sale deed in favour of the petitioner and in the absence of any sale deed it possibly cannot be held that there was any transfer of immovable property i.e. Plot No.C-46 situated at Focal Point, Kotkapura, District Faridkot in favour of the petitioner. The petitioner does not have any sale deed in his favour. The permission (Annexure P-8) which was granted to the petitioner upon which much emphasis has been laid by the learned counsel for the petitioner itself states in Clause 2 that "*The purchaser shall arrange to have the Sale Deed executed and registered, delivered the Notary attested copy to the Corporation within 6 months from the date of issuance of this permission letter. The cost of Stamp Papers and Registration Charges for the same shall have to be borne by the purchaser*". This is only a permission which was granted for a period of six months which elapsed and admittedly till date there is no sale deed in favour of the petitioner. Infact, the learned counsel for the petitioner has not been able to point out to any agreement to sell either in favour of the petitioner, not that an agreement to sell would create any right in favour of the petitioner by itself.

7. This Court restrains itself from commenting on the conduct of the petitioner in filing the second objection petition on the very same grounds which stood finalized upto this Court and had attained finality and further refrains from imposing any costs. There is no error of jurisdiction or irregularity in the impugned order warranting any interference by this Court.

8. In view of the above, I do not find any merit in the present revision petition. The same being devoid of any merit is accordingly dismissed. The Executing Court is requested to proceed expeditiously keeping in view the directions issued by the Hon'ble Supreme Court in the case of **Periyammal (dead) through LRs & Ors. V/s V. Rajamani & Anr. [2025 SCC Online (SC) 507]**.

9. Pending applications, if any, also stand disposed off.

22.07.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO