



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

137

1. ESA-30-2023 (O&M)
Date of decision: 27.03.2025

SANJU KUMAR

..Appellant

Versus

MANDEEP SINGH AND OTHERS

..Respondents

2. ESA-31-2023 (O&M)

SANJU KUMAR

..Appellant

Versus

MANDEEP SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dhirinder Chopra, Advocate
for the appellant.

Mr. B.S. Bhalla, Advocate
for respondents.

Mr. Anil Bansal, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. On 25.03.2025, after hearing learned counsel for the parties, the following order was passed:-

“1. These two connected execution second appeals have been filed by Sh. Sanju Kumar, who is brother of judgment debtor Sh. Gulshan Kumar. As per the site plan (Annexure A-2) (page 42 of the paperbook), the plot is divided in three separate portions. The Eastern side of the property is shown to be belonging to Sh. Gulshan Kumar, which measures 25 feet X 28 feet, whereas, middle portion is shown to be owned by Sh. Rajinder Kumar, which measures 25 feet X 30 feet. The property on Western side of the property is shown to be in possession of Sh. Sanju Kumar, which measures 25 feet X 28 feet. The appellant Sh. Sanju Kumar claims that the entire plot fell to his share and he has constructed his house. In



other words, Sh. Sanju Kumar claims that he along with his family is residing in the property and the families of Sh. Gulshan Kumar and Sh. Rajinder Kumar do not reside in the same.

2. Keeping in view the aforesaid facts, Deputy Commissioner, Moga, is directed to depute the Tehsildar of the area to visit the property, which is located in the area of Channu Wala, Street No.10, Village Baghapurana, District Moga, and submit a report about the following:-

i. Whether the property is in the shape of three separate houses or one?

ii. What is the status of Eastern portion of the plot measuring 25 feet X 28 feet?

3. Learned State Counsel has been directed to click a photograph of the layout plan for forwarding it to the Deputy Commissioner.

4. List on 27.03.2025, in the urgent list.

5. A photocopy of this order be placed on the file of the other connected case.”

2. In deference to the aforesaid order, Tehsildar, Baghapurana, District Moga, has submitted a report confirming that the property is in the shape of three separate partitions/houses bounded by a common front wall with one main gate.

3. The Eastern portion of the house is on lease with the Department of Social Security, Women and Child Development, Punjab, Chandigarh (CDPO Office Bagha Purana). Hence, it is evident that the property has been divided amongst three brothers and they are residing in separate portions.

4. Learned counsel for the appellant submits that only the plot has been sold, whereas, a house has been constructed on 25 feet X 28 feet plot.

5. Admittedly, the appellant is not the owner of the same. The property, which has been sold belongs to the judgment debtor namely Sh. Gulshan Kumar.

6. Keeping in view the aforesaid facts, the appellant has no locus to challenge the Court auction of property belonging to Sh. Gulshan Kumar.



- 7. Hence, both the appeals are dismissed.
- 8. All the pending miscellaneous applications, if any, are also disposed of.

March 27th, 2025
Ayub

(ANIL KSHETARPAL)
JUDGE

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