



In the High Court of Punjab and Haryana, at Chandigarh

1. Execution Second Appeal No. 16 of 2015 (O&M)

Des Raj (Deceased) through his Legal Representatives

... Appellant(s)

Versus

Charan Singh and Others

... Respondent(s)

AND

2. Civil Revision No. 255 of 2015 (O&M)

Raja alias Rajbir and Another

... Petitioner(s)

Versus

Dei Ram and Others

... Respondent(s)

DATE OF DECISION: 28.04.2025

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajiv Sharma, Ms. Indu Bala Sharma and
Mr. Shubham Chauhan, Advocates, for the appellant(s)
(In ESA-16-2015) and for the petitioner(s) (In
CR-255-2015).

Mr. Ajay Ghangas, Advocate
for respondent No.4 (In ESA-16-2015) and for
respondent No.1 (In CR-255-2015).

Anil Kshetarpal, J.

1. With the consent of the learned counsel representing the parties, two connected cases i.e. Execution Second Appeal No. 16 of 2015 and Civil Revision No. 255 of 2016, shall stand disposed of by this common order.

2. Appellant Des Raj through his legal representatives assail the correctness of the concurrent orders passed by the Executing Court, which, in appeal, has been affirmed by the First Appellate Court while dismissing his objection petition.

3. In Civil Revision No. 255 of 2016, the legal representatives of Des Raj assail the correctness of the order dated 16.11.2012 passed by the Civil Judge (Senior Division), which, in appeal, has been affirmed by the Additional District Judge on 09.09.2014.

4. The relevant facts, in brief, are required to be noticed in order to comprehend the issue involved in the present case. Charan Singh was the owner of the property, who entered into an agreement to sell with Dei Ram on 12.09.1992 with respect to the land measuring 12 kanals 12 marlas. Charan Singh failed to honour the agreement to sell forcing Dei Ram to file a suit for specific performance of the agreement to sell dated 12.09.1992, which was decreed on 23.05.1998. During the pendency of suit, Charan Singh transferred the property in favour of his wife Bachan Kaur which was held to be not binding upon the rights of Dei Ram. The decree passed by the Trial Court was affirmed in appeal on 21.03.2001, which, in turn, was affirmed by the High Court in the regular second appeal on 10.05.2001. During the pendency of the appeal, Charan Singh also sold the property to Sunita, who filed a Special Leave Petition in the Supreme Court, which was dismissed on 01.04.2002.

5. Des Raj claims that Charan Singh had executed an agreement to sell in his favour on 06.07.1994. He filed a suit for specific performance of the agreement to sell. It is obvious that the agreement to sell in favour of Des Raj was entered during the pendency of the suit filed by Dei Ram. Hence, the same shall be governed by the *Rule of Lis Pendens*.

6. The learned counsel representing the appellant submits that Charan Singh, on 12.12.1991,, mortgaged the land measuring 4 kanals in

favour of Des Raj.

7. Admittedly, this fact is disclosed in his objection petition, however, the appellant has neither requested the Courts to frame a distinct issue on this aspect nor press the objection petition before the Courts below. For the first time, it is not found appropriate to permit the appellant to make out a new case.

8. It is evident that Charan Singh has been making out all the efforts to defeat the rights of Dei Ram. He transferred the property in favour of his wife and then he sold the property to Sunita. Thereafter, he executed an agreement to sell in favour of Des Raj in order to defeat the rights of Dei Ram.

9. Moreover, it would be noted here that Des Raj filed the objection petition in the execution petition filed by Dei Ram, decree holder, which was dismissed. Des Raj filed the revision petition in the High Court which was also dismissed. Then, he filed Special leave Petition which was also dismissed.

10. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders. Hence, both the Execution Second Appeal No. 16 of 2015 and Civil Revision No. 255 of 2015 are dismissed.

11. The miscellaneous application(s) pending, if any, in both the cases, shall stand disposed of.

**(Anil Kshetarpal)
Judge**

April 28, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No