



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

ESA-47-2025 (O&M)

Date of decision : 04.07.2025

Jagjit Singh and another

...Appellants

Vs.

Harpal Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dheeraj Mahajan, Advocate
for the appellants.

Mr. Sandeep Arora, Advocate
for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. The appellants assail the correctness of concurrent orders passed by the Courts below while dismissing their objections filed in the execution petition.

2. In order to comprehend the issues involved in the present case, relevant facts, in brief, are required to be noticed.

3. Sh. Harpal Singh, Sh. Lakha Singh sons of Sh. Sadhu Singh filed a suit for specific performance of the agreement to sell executed on 24.09.2004 with respect to a house measuring 04 marlas against Sh. Nirmal Singh son of Sh. Mohan Singh and Sh. Harbhajan Singh son of Sh. Banta Singh. In fact, late Sh. Sadhu Singh, predecessor-in-interest of the plaintiffs and defendants No. 3 to 5 agreed to purchase the property vide agreement to sell dated 24.09.2004. Sh. Nirmal Singh, defendant No.1, in the suit for specific performance of the



agreement to sell, transferred 02 marlas property in favour of Sh. Karnail Singh son of Sh. Harbhajan Singh (son of defendant No.2) on 11.10.2005. The suit filed for specific performance of the agreement to sell was decreed on 03.02.2012. During the pendency of the suit, Sh. Harbhajan Singh, defendant No.2 and his son Sh. Karnail Singh sold the remaining part of house in favour of the appellant vide sale deed dated 25.04.2011. The decree for specific performance of the agreement to sell became final and execution petition was filed, in which, at the first instance, Judgment Debtors filed objections claiming that it is their only residential house, which were dismissed by the Executing Court. Subsequently, the appellant claiming to be third party objector filed objections which as already noticed have been dismissed not only by the Executing Court but the order has also been affirmed by the First Appellate Court.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

5. Learned counsel representing the appellants contends that sale deed with respect to 02 marlas property in favour of Sh. Karnail Singh is not governed by rule of *lis pendens* because the suit was filed on 21.10.2005 and the sale deed in favour of Sh. Karnail Singh was executed on 11.10.2005. He further contends that the Executing Court has erred in dismissing the objection petition in a summary manner without framing the issues.

6. *Per contra*, learned counsel representing the respondents submits that the agreement to sell was executed in favour of Sh. Sadhu Singh on 24.09.2005, hence, transfer of a part of the property by Sh. Nirmal Singh in



favour of son of defendant No.2 will not affect the rights of the decree-holder. He further submits that initially the Judgment Debtors filed objections claiming to be in possession of the property, which were dismissed. Now, subsequently, the appellant has come forward. He submits that sale deed qua remaining 02 marlas is governed by rule of *lis pendens*.

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

8. Admittedly, the agreement to sell in favour of Sh. Sadhu Singh was executed on 24.09.2004, hence, transfer of some part of the property by defendant No.1 in favour of son of defendant No.2 would not affect the rights of the decree-holder.

9. The sale of remaining part of the property is governed by rule of *lis pendens*.

10. Moreover, the decree for specific performance of the agreement to sell was passed in favour of the decree-holders on 03.02.2012. In the first round, objections of Judgment Debtors were decided. In the second round, the objections of the appellant has been decided.

11. It is evident that the appellant has purchased the property during the pendency of the suit. As already noticed, the Courts have correctly held that the sale deed executed by Sh. Nirmal Singh in favour of Sh. Karnail Singh son of Sh. Harbhajan Singh (son of defendant No.2) would not affect the rights of the decree-holder.

12. In this case, the documents produced by the parties have been examined by the Courts below and oral evidence would not have much role to

play.

13. Hence, there is no error in the findings of the Courts below.

14. The appeal is dismissed.

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

04.07.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No