



In the High Court of Punjab and Haryana, at Chandigarh

Execution Second Appeal No. 36 of 2024 (O&M)

Date of Decision: 22.01.2025

Lahora Singh

... Appellant(s)

Versus

Pawan Kumar and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kamal Narula, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The appellant assails the correctness of the concurrent findings of fact arrived at by both the Courts below while dismissing his objection petition in the execution petition.

2. In a suit for possession by way of specific performance of the agreement to sell, the decree holder has been held entitled to possession of the land measuring 16 kanals. The judgment debtor was the co-sharer with the appellant. The judgment debtor, while executing the agreement to sell, had undertaken to deliver possession of the property in his possession. The appellant being a co-sharer claims that the delivery of physical possession to the decree holder is not permissible because the property is joint and unpartitioned.

3. This Court has considered the submissions of the learned counsel representing the appellant.

It is not the case of the appellant that the judgment debtor was

not in possession of any part of the property. In such circumstances, the judgment debtor is liable to deliver the possession of property in his possession particularly when the decree has become final.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

January 22, 2025
“DK”

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