



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

ESA No.49 of 2017 (O&M)

Date of Order:23.01.2025

Nirmal Rani and others**.Appellants****Versus****Smt. Simardeep Bedi and another****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. Anupam Bhardwaj, Advocate
for the appellants.****Mr. B.S.Bhalla, Advocate
for respondent no.1.****ANIL KSHETARPAL, JUDGE (Oral)**

1. This execution second appeal reflects a very sorry state of affairs. The decree for possession by way of specific performance of the agreement to sell was passed in favour of the respondents 17 years ago. On account of objections by the appellants, the decree has not been implemented. When the decree holder filed the execution petition to get the implementation of the final decree, the appellants, who are related to the Judgment Debtor, namely, Smt. Sheela Devi, filed objections claiming share in the property which were dismissed by the Executing Court on 22.07.2014. In the first round, the appellants filed an appeal which was allowed on 03.09.2014 directing the Executing Court to cull out the issues and allowed the parties to lead evidence. Subsequently, the Executing court partly dismissed the execution petition which led the decree holder to file appeal. Now the First Appellate Court has set aside the Executing Court's order and has remitted the matter back to the Executing Court for a fresh decision.



The objectors have filed fresh appeal which is pending for the last 8 years.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

3. The learned counsel representing the appellants submits that Smt. Sheela Devi, the judgment debtor was owner only to the extent of 1/3rd share. Hence, the First Appellate Court has erred in remitting the matter back to the executing court.

4. This court has examined the order passed by the Executing Court on 14.10.2016 and finds that the Executing Court has not recorded any reason before coming to the conclusion that Smt. Sheela Devi, the judgment debtor was owner qua 1/3rd share only. In any case, the First Appellate Court has only remitted the matter back to the Executing Court.

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

6. Dismissed.

7. However, the Executing Court is directed to decide the objections within a period of 6 months and expedite the implementation of the decree.

8. The parties through their counsel are directed to appear before the Executing Court, 05.02.2025.

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

(ANIL KSHETARPAL)
JUDGE

January 23, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No