



ESA-216-2018(O&M)

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****ESA-216-2018(O&M)
Date of decision: 04.02.2025**

Baljit Singh

..Appellant

Versus

Harpal Singh (since deceased) through his LRs and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Dhaliwal, Advocate for the appellant

ANIL KSHETARPAL, J. (Oral)

The appellant herein is a third party objector. There was an ex-parte decree for possession by way of specific performance of the agreement to sell in favour of Harpal Singh. In execution petition, the appellant filed third party objections, which were dismissed by both the courts below. In a separate suit filed by the appellant, the ex-parte decree in favour of Harpal Singh has been declared illegal and hence, not enforceable. The operative part of the judgment passed by the court on 03.10.2022 reads as under:-

“25. In view of my detailed discussion on the above said issues, suit of the plaintiff stands decreed ex-parte to the effect that ex-parte decree dated 21.11.2009 passed by the court of Sh.K.K.Goyal, the then Additional Civil Judge (Sr. Divn.) Kharar, and sale deed Vasika No.11039 dated 02.02.2012 are illegal, null and void having no effect on the rights of the plaintiff and the same are liable to be set aside. Further, the defendants No.1 and 2 are permanently restrained from interfering into the peaceful ownership & possession of plaintiff and



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further dispossessing the plaintiff forcibly and illegally from the suit property alongwith house comprised in Kh/Kh no.17/18, Khasra No.85//31(5-2) out of it 13/408 i.e 0K-3½ Marle situated at Kurali, No.121,Tehsil Kharar, District SAS Nagar (Mohali) bounded as East: Sarabjit Singh (side 23 feet and Gosha 11 feet and plot of Saarabjit Singh side 2 feet) West: Other owners (side 35 feet), North: Other owners (side 18 feet), South: Passage 40 feet wide (side 29 feet). The parties shall bear their own costs. Decree-sheet be prepared. File be consigned to the record room.”

In view of the subsequent judgment passed by the court on 03.10.2022, the decree-holder cannot claim possession of the property. Hence, the appeal is rendered infructuous and the same is disposed of as such.

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

(ANIL KSHETARPAL)
JUDGE

04.02.2025

rekha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No