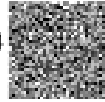


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

2025:PHHC:034974



ESA-4-2022 (O&M)
Date of decision: 12.03.2025

SARWAN KUMAR AND ANR

..Appellants

Versus

JANAK RAJ AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jaiswal, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

1. This execution second appeal has been filed by the appellants, who are subsequent purchasers of the property after the decree for specific performance of agreement to sell was passed in favour of the decree holder on 24.09.2009. The appellants claim that there was an agreement to sell executed in their favour by Smt. Vidya Devi, Sh. Amro and Smt. Murti daughters of Sh. Shanti Giri on 31.08.1995. Both the Courts have found that the genuineness of the aforesaid agreement has not been proved. Rather it has been found that the aforesaid agreement appears to have been manipulated.

2. Learned counsel for the appellants submits that the decree holder never sought the relief of possession, whereas, it is the appellants, who are in actual possession. He submits that in absence of decree for possession, warrants of possession cannot be issued.

3. This Court has considered the submissions of learned counsel for the appellants.

4. The aforesaid question has already been answered by the Supreme Court in **Manickam @ Thandapani and another Vs. Vasantha,**

- 5. In view of the aforesaid, no ground to interfere is made out.
- 6. Dismissed accordingly.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

March 12th, 2025
Ayub

(ANIL KSHETARPAL)
JUDGE

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