



CR-5887-2025

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

CR-5887-2025

Date of Decision: 28.08.2025

SURENDER KUMAR (NOW DECEASED)
THROUGH LRS AND OTHERS

....Petitioners

Versus

SALINDER KUMAR

.....Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Parmod Goyal, J. (Oral)

Present revision petition has been preferred by decree holder, who is aggrieved by dismissal of his execution vide impugned order dated 07.08.2025 (Annexure P-4), passed by Learned Additional Civil Judge, Senior Division, Indri, Karnal.

2. Facts of the present case are noted for ready reference. Decree holder/petitioner is seeking execution of judgment and decree dated 02.07.2024 (Annexure P-1), whereby the suit of decree holder for specific performance of agreement dated 15.04.2015 was allowed. Thereafter, plaintiff had preferred the present execution petition and Local Commissioner was appointed for execution of sale deed. When the Local Commissioner visited the office of Tehsildar, Indri on 25.07.2025, the Tehsildar refused to execute the sale deed on the ground that property stands transferred in the name of Rajesh Kumar in July, 2019 and after considering the report of Tehsildar, the execution petition of decree holder was dismissed by the executing Court, on the ground that it cannot be



executed.

3. Learned counsel for petitioner argued that the executing Court has erred in dismissing the execution petition of decree holder without taking into consideration that transfer was made during the pendency of suit and any transfer in favour of Rajesh Kumar is hit by *lis pendence* under Section 52 of Transfer of Property Act.

4. I find merit in the contentions raised on behalf of the petitioners that executing Court ought to have taken into consideration principle of *lis pendence* before dismissing the execution proceedings. Accordingly, order dated 07.08.2025 is hereby set aside and matter is remanded to the executing Court for fresh consideration.

5. No notice is being issued since judgment debtor-Salinder Kumar is already ex parte before the executing Court.

6. The petition stands disposed of in aforesaid terms. Pending application(s), if any, shall also stand disposed of.

28.08.2025

Chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No