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

CR-2113-2023 (O&M)

Date of decision: 06.05.2026

Anand

...Petitioner

Versus

Dayanand and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Binat Sharma, Advocate for the petitioner.

Mr. Ravinder Rana, Advocate for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 13.03.2023 (Annexure P-7) passed by the trial Court, whereby the objections filed by the petitioner have been dismissed.

ARGUMENTS ON BEHALF OF THE PETITIONER:-

2. Learned counsel for the petitioner has submitted that the petitioner is Judgment Debtor No.1 and after the passing of the decree by the First Appellate Court, he has purchased a part of the joint land vide sale deed dated 18.01.2023 and has become co-sharer in the property and had thus, filed objections to the effect that the said decree should not be



executed against him. It is submitted that the objections have been dismissed vide order dated 13.03.2023 which order is not in accordance with law and deserves to be set aside.

ARGUMENTS ON BEHALF OF RESPONDENT NO.1:-

3. Learned counsel for respondent No.1, on the other hand, has submitted that the decree, which was passed in the present case, was with respect to the suit property which was specifically shown in the site plan by the letters AGBHFE and thus, the question of the same being part of the joint land does not arise. It is further submitted that even as per the case of the petitioner, the said purchase was made after the decree had been passed and during the pendency of the execution proceedings and thus, is hit by the doctrine of lis pendens and the petitioner who is a Judgment Debtor has no right to raise the said objection. It is thus, submitted that the impugned order has been rightly passed and deserves to be upheld.

ANALYSIS AND FINDINGS:-

4. This Court has heard learned counsel for the parties and has perused the paper book.

5. It is not in dispute that respondent No.1 had filed a suit against the petitioner and respondent No.2 for possession. A perusal of the judgment dated 28.11.2014 of the trial Court would show that the possession was sought of the suit land which was marked by the letters AGBHFE, which as per the case of respondent No.1-plaintiff was encroached upon by the present petitioner to the extent which was shown



by the letters AGFE in the site plan and also by defendant No.2 to the extent shown by letters GBHF in the site plan. It was further the case of the plaintiff that the said land was within lal dora/abadi deh of village Subana, Tehsil and District Jhajjar, Haryana. The said suit was instituted on 22.02.2010 and was dismissed by the trial Court vide judgment dated 28.11.2014. Appeal filed by respondent No.1 was allowed by the First Appellate Court vide judgment dated 21.10.2016 which judgment has been annexed as Annexure P-2 along with the present revision petition and the suit filed by respondent No.1-plaintiff for possession was decreed with respect to the property which was detailed in paras 1 and 2 of the plaint and was specifically marked by letters AGBHFE and was shown as red colour in the site plan.

6. A perusal of the judgment of the First Appellate Court would show that it was held that the suit property was ancestral property of plaintiff/respondent No.1 and demarcation report Ex.P1 as well as evidence of the person who had demarcated the property was taken into consideration before accepting the plea of plaintiff to the effect that the petitioner and other defendant had encroached upon the property of the plaintiff. On a pointed query raised by this Court, learned counsel for the petitioner has fairly submitted that no further appeal challenging the judgment and decree dated 21.10.2016 has been filed and it is not disputed before this Court that the said judgment has attained finality.

7. The petitioner apparently in order to create obstacles in the execution of the decree had raised a plea that the land was joint land and



from one of the alleged co-sharers i.e., Krishan Kumar, he had purchased 6 square yards of land vide sale deed dated 18.01.2023, which admittedly was purchased subsequent to the passing of the decree dated 21.10.2016 by the First Appellate Court and during the pendency of the execution proceedings. Judgment Debtor No.1 had filed objections raising the plea of being a co-sharer. Reply was filed to the said objections which reply has been annexed as Annexure P-4 with the present revision petition and a perusal of the same would show that respondent No.1/plaintiff had stated that the objector/petitioner was granted one last opportunity to file objections with cost of Rs.1500/- but he had opted not to contest the execution and he was proceeded against ex-parte and the said ex-parte order has not been set aside and thus, the objector/petitioner had no right to file objections. It was further stated that the Executing Court cannot go beyond the decree which has attained finality.

8. The Executing Court vide order dated 13.03.2023 had dismissed the objections by observing that any transaction made during the pendency of the execution proceedings cannot be construed to make the decree in question ineffective and unexecutable and that the petitioner/objector by raising the said objections was only making an attempt to delay the execution proceedings which had been filed in the year 2017. The Executing Court further observed that even the transaction made with respect to the suit property during the pendency of the suit is hit by the principle of lis-pendens. The said order is in accordance with law and deserves to be upheld. The said attempt made by



the petitioner is in violation of the law laid down by the Hon'ble Supreme Court in the case of **Periyammal (Dead) and others Vs. Rajamani and another** reported as **2025 SCC Online SC 507**, in which the Executing Courts have been directed to dispose of the execution proceedings within six months.

9. It is a matter of settled law that the Executing Court cannot go beyond the decree as it is the bounden duty of the Executing Court to execute the decree. In the present case, decree for possession has been passed in favour of respondent No.1 with respect to specific area which had been marked by letters AGBHFE and shown in red colour in the site plan, as is apparent from the decree sheet which is at running page 35 of the paper book. The said land has been held to be ancestral property of the plaintiff by the First Appellate Court. Any subsequent alleged purchase of 6 square yards of land during the pendency of the execution proceedings would not make the decree unexecutable. It is not the case of the petitioner that the entire ownership of the plaintiff/respondent No.1 has been purchased by the petitioner. Decree for possession has neither been modified nor been set aside. No law has been cited on behalf of the petitioner before this Court to show that in such circumstances, decree would become unexecutable and thus, on the said ground alone, the impugned order deserves to be upheld.

10. It would be relevant to note that even a third party objector is not entitled to resist execution of decree for possession on the plea that he has purchased the immovable property from the Judgment Debtor after



the institution of the suit. Order 21 Rule 102 CPC which is relevant, is reproduced hereinbelow:-

“Order 21 Rule 102 CPC:-

102. Rules not applicable to transferee pendente lite.—
Nothing in rules 98 and 100 shall apply to resistance or obstruction in execution of a decree for the possession of immovable property by a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree was passed or to the dispossession of any such person.

Explanation.—In this rule, “transfer” includes a transfer by operation of law.”

11. The petitioner who is Judgment Debtor No.1 has much lesser right than a third party who might raise the plea of lack of knowledge of the transfer of the property, which right of the third party would also be hit by the principle of lis pendens. Thus, the objections filed by the petitioner deserve to be dismissed and have been rightly dismissed and the impugned order deserves to be upheld.

12. The Hon'ble Supreme Court in the case of **“Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil”**, reported as **(2010) 8 Supreme Court Cases 329**, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to



Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

13. Keeping in view the above, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

14. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

06.05.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No