



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

**CR-6974-2025 (O&M)
Reserved on: 29.09.2025
Date of decision: 09.10.2025**

PANDIT KRISHAN KUMAR

..Petitioner

Versus

**MANDIR NAIN SUKH DASS CHARITABLE TRUST
SOCIETY AND OTHERS**

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rajeshwar Singh Thakur, Advocate
for the petitioner.

SUDEEPTI SHARMA, J.

1. The present revision has been filed for setting aside order dated 31.07.2025 passed by Civil Judge (Senior Division) Gurdaspur, whereby, objections filed by the petitioner were dismissed and for setting aside order dated 04.09.2025, whereby, warrants of possession has been issued against the petitioner.

2. Learned counsel for the petitioner contends that the petitioner moved an application raising objections that Palwinder Kaur was not party to the suit in which decree was passed and as such she is not entitled to any relief, therefore, the application for execution of the decree, filed by said Palwinder Kaur be dismissed. Further that the Executing Court has wrongly dismissed the objections filed by the petitioner without taking into consideration the very fact that Palwinder Kaur was not even party to the suit. He, therefore, prays that the present revision petition be allowed and



order dated 31.07.2025 passed by learned Civil Judge (Senior Division) Gurdaspur be set aside.

3. Further prayer in the present revision petition is for setting aside order dated 04.09.2025 which is a consequence of entertaining the execution application filed by Palwinder Kaur.

4. I have heard learned counsel for the petitioner and have gone through the file of this case with his able assistance.

5. A perusal of the file shows that respondent No.1 filed a suit for permanent injunction restraining the defendants therein from interfering or dealing with the property of respondent No.1.

6. A perusal of the suit shows that petitioner was not even a party in the same. The petitioner filed counter claim on 08.12.2003. The suit of respondent No.1 was decreed in their favour and the counter claim filed by the petitioner was dismissed vide judgment and decree dated 11.02.2009. The petitioner filed appeal against the judgment and decree dated 11.02.2009, which was dismissed by learned District Judge, Gurdaspur vide its judgment and decree dated 13.02.2012. The petitioner filed regular second appeal before this Court, which was also dismissed on 13.01.2013. Hence, judgment and decree dated 11.02.2009 attained finality.

7. It would be apposite to reproduce the relevant portion of order dated 31.07.2025 passed by learned Civil Judge (Senior Division), Gurdaspur:-

“Perusal of file reflects that originally suit was filed by Mandir Nain Sukhdas Charitable Trust Society, Amritsar and Dinesh Widge as plaintiffs, which was ultimately partly decreed with regard to khasra numbers 2073, 2074, 2075, 2078/3, 2078/1, 2079, 2076 and 2077 as per



judgment and decree dated 11.02.2009 by the court of Sh. Rakesh Kumar the then Learned Civil Judge (Senior Division), Gurdaspur. In appeal preferred before the court of learned ADJ, Gurdaspur on 13.02.2012 it was dismissed with costs. Further, matter went in appeal, in RSA before Hon'ble High Court whereby as per judgment and decree dated 31.10.2013 Regular Second Appeal was also dismissed.

The present execution was filed by Palwinder Kaur claiming that she has purchased 8 marlas out of total land of 16 kanals 6 marlas from land which was decreed vide registered sale deed dated 01.11.2018 and she be put to possession of 8 marlas of land so purchased by her. I have gone through the copy of sale deed placed on file as per which property was sold by Dinesh Widge, Vikram Widge and Rajesh Widge to the extent of 8 marlas for khasra numbers 2073, 2074, 2075, 2078/1, 2078/3, 2076, 2077 and 2079. Certainly, the matter pertaining to sale is to be seen by the court whether it can be made as a basis to continue the proceedings further on behalf of Decree Holder as Order 21 Rule 16 CPC clearly provides that transferee may apply to court for execution of decree which passed it, which is very evident from the copy of registered sale deed. The genuineness of claim of Decree Holder is to be seen by the court only and it does not give any benefit or advantage to JD to claim any right. Thus, objections are found baseless and are ordered to be dismissed.”

8. A perusal of the file shows that some of the decree holders sold 8 marlas out of total land of 16 kanals and 6 marlas, which was decreed, vide registered sale deed dated 01.11.2018 to Palwinder Kaur. Since Palwinder Kaur purchased her right in decreed property as per registered sale deed dated 01.11.2018, therefore she filed an application for execution. Since she



becomes a transferee as per registered sale deed dated 01.11.2018, therefore, she could always file an application for execution of the decree dated 11.02.2009 as per Order XXI Rule 16 of the Code of Civil Procedure, 1908.

9. Consequently, I do not find any infirmity or illegality in order dated 31.07.2025 passed by Civil Judge (Senior Division) Gurdaspur. Further order dated 04.09.2025 is a consequence of allowing the execution application filed by Palwinder Kaur, the same also does not require any interference by this Court.

10. In view of the above, the present petition is hereby ***dismissed***.

09.10.2025

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**(SUDEEPTI SHARMA)
JUDGE**

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