



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ESA No.12 of 2025 (O&M)

Date of Order:15.02.2025

Lakhvir Singh

.Appellant

Versus

Charanjit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nitish Garg, Advocate
for the appellant.

ANIL KSHETARPAL, JUDGE (Oral)

1. This execution second appeal has been filed by the appellant, who has purchased the property during the pendency of the suit. Sh. Charanjit Singh filed the civil suit no.182/06.10.2007, for grant of decree of declaration with consequential relief of permanent injunction. The appellant purchased the property from Sh. Kulbir Singh, vide sale deed dated 06.08.2010. Though, the trial court dismissed Sh. Charanjit Singh's suit on 08.12.2014, however, the First Appellate Court reversed the decree of the trial court on 23.09.2019.

2. The execution of the aforesaid decree is pending. The appellant filed the objections, which have been dismissed on the ground that the sale deed in favour of the appellant is governed by rule of lis-pendens.

3. The learned counsel representing the appellant submits that the appellant is a bonafide purchaser of the property for a valuable consideration, hence, his possession should be protected.

4. This court has considered the submissions of the learned



counsel representing the appellant.

5. Section 52 of the Transfer of Property Act, 1882, excludes the applicability of rule of lis-pendens only in two situations. The first situation is, if the suit is collusive and the second is when the property is not subject matter of the suit. The learned counsel representing the appellant does not dispute that in the suit, the property was directly in question. Hence, the appellant's case does not fall in any of the exceptions envisaged under Section 52 of the Transfer of Property Act, 1882.

6. With these observations, the appeal is dismissed.

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

(ANIL KSHETARPAL)
JUDGE

February 15, 2025
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**