



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

(128)

CR-6216-2025

Date of Decision:-08.09.2025

GURMEET SINGH

... Petitioner

Versus

RAJ KUMAR

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Balwinder Singh Sudan,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present revision petition has been directed against the order dated 01.09.2025 (Annexure P-20), vide which, warrants of possession has been issued of specific portion out of the joint un-partitioned land.
2. The order has been assailed on the grounds that petitioner is unaware of the agreement, purchased the property during the pendency of the suit and invested significantly in constructing the house without any objection. Acquiescence of the respondent/decree holder disentitle him from questioning the title of the petitioner and that respondent/decree holder cannot be allowed to get the relief indirectly, which he was not entitled to get directly and the Khasra number has not been partitioned till today. Thus, without seeking partition, a co-sharer cannot seek dispossession. Petitioner had purchased the land vide common sale deed dated 18.11.2005 being co-owner of 1 bigha 4 biswas of land and there is no rationale behind selecting specific 10 biswas of land out of that, So, the impugned order be set aside.
3. Perusal of the impugned order shows that the objection petition filed by the Objector has been declined by the Executing Court by recording detailed reasons and it has been clearly observed that vide decree, plaintiff was held entitled to



possession of the property constructed over land measuring 10 biswas comprised in Khewat No.76//67, Khatauni No. 80, Khasra No.590(2-4), 591(1-11), situated at village Marranwala, Tehsil Kalka, bounded as North: Rasta, South: Hoise of Kishori Lal, East: House of Aman, West: House of Avtar Singh, marked by letters ABCD in red colour in site plan attached with the plaint.

4. It has also been specifically recorded that during the pendency of the suit, Hussan Chand sold the land to Gurcharan Singh, who further sold the same to present petitioner-Gurmeet Singh vide sale deed dated 18.11.2005. These mutations were set aside and appeal was also dismissed, and in execution all mutations in the name of Gurcharan Singh and Gurmeet Singh were reverted back to Hussan Chand and from Hussan Chand to the plaintiff and that the title of the Objector has become defective and Objector cannot question as to if plaintiff is entitled to specific area or not and that the Executing Court cannot go behind the decree. The order passed by the learned Executing Court is well-reasoned. The sale deed in favour of the petitioner/objector is hit by principle of *lis pendens* and as such, there is no illegality, infirmity in the findings recorded by the learned Executing Court.

5. Learned Executing Court has not exercised the jurisdiction vested in it improperly or has not committed any material illegality, as such, finding no merit in the present revision petition.

6. The present petition is dismissed, so also the pending application(s), if any.

08.09.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No