



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

ESA No.19 of 2025 (O&M)

Date of Order:13.05.2025

Jaspal Kaur and another

.Appellants

Versus

Sukhwinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sarju Puri, Advocate
for the appellant.**

**Mr. Amit Jaiswal, Advocate
for the respondent.**

ANIL KSHETARPAL, JUDGE (Oral)

1. In this Execution Second Appeal, the objectors assail the correctness of the concurrent findings of fact arrived at by the Executing Court while dismissing their objection petition. In substance, the appellants claim that they have purchased 10 marlas property by virtue of two sale deeds dated 02.06.1981.

2. Originally, Sukhjinder Singh filed a suit for possession by way of specific performance of the agreement to sell dated 10.05.2002, executed by Ravinder Babbar with respect to 13 kanals and 11 marlas land and a house, which was decreed on 03.05.2004. An application under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'the CPC') by Ravinder Babbar was dismissed on 09.10.2007. He also filed the objection petition which was dismissed on 02.08.2008. His heirs also filed objections which were dismissed on 11.04.2018. Thereafter, the appellants who claim to be Non Resident Indian filed objections which have been



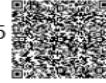
dismissed by both the courts below.

3. The learned counsel representing the appellants submits that one opportunity should be provided to the appellants to prove their case and the courts have erred in summarily dismissing their objections. In fact, the appellants permitted Ravinder Babbar to reside in the house in question as a licensee.

4. Per contra, the learned counsel representing the respondents submits that the disputed house is located partly in abadi (lal lakir) and the remaining part of the house is comprised in khasra no.54. He submits that two sale deeds in favour of the appellants are not disputed, however, sale deed Annexure A-3 is not with respect to the land comprised in khasra no.54, whereas, vide Annexure A-4, the appellants have purchased undivided share to the extent of 10 marlas in the land measuring 29 kanals and 6 marlas. He submits that Ravinder Babbar had constructed the house and was residing therein and he has got the objections filed by the appellants. It is further brought to the notice of the court that Jaspal Kaur, appellant no.1, has already transferred the property in favour of her daughter vide transfer deed dated 15.02.2019.

5. This court has considered the submissions of the learned counsel representing the parties.

6. The appellants have purchased only 10 marlas land out of a joint khewat of 29 kanals and 6 marlas (238 marlas). *Prima-facie* the appellants have not produced any material to show that they constructed the house in question. The decree holder is waiting for the implementation of the decree for the last 21 years. Admittedly, the appellants are not residing



in the village. Both the courts have already dismissed their objection petition.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed.

9. All the pending miscellaneous applicatiopns, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

May 13, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No