



In the High Court of Punjab and Haryana, at Chandigarh

Execution Second Appeal No. 8228 of 2018 (O&M)

Date of Decision: 01.05.2025

Kirpal Singh (Now Deceased) through his Legal Representative

... Appellant(s)

Versus

Bhulla (Now Deceased) through his Legal Representatives and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Manpreet Kaur, Advocate
for Mr. Saurabh Bajaj, Advocate
for the appellant(s).

Anil Kshetarpal, J.

CM-19411-C-2018

1. For the reasons stated in the application, the same is allowed and delay of 151 days in filing the appeal is condoned.

CM-19410-C-2018

2. For the reasons stated in the application, the same is allowed and delay of 155 days in refiling the appeal is condoned.

CM-19412-C-2018

3. In view of the prayer made in the application, which is supported by an affidavit, the same is allowed, subject to all just exceptions. The proposed legal representatives, named in para 2 of the application, are the Class-I heirs of appellant-Kirpal Singh, who is stated to have died in the year 2016. They are permitted to be brought on record as the legal heirs of

the appellant-Kirpal Singh, for the purpose of prosecuting the present appeal.

ESA-8228-2018

4. The decree holder assails the correctness of the concurrent orders passed by both the Courts below while dismissing his objection petition. It has come on record that the decree holder fabricated the sale certificate by inserting khasra No. 5264 so as to make the area mentioned in the certificate to be 2 bighas 6 biswas instead of 291 square yards. The property was allotted by the Rehabilitation Department. It was proved that the decree holder was only allotted the land measuring 291 square yards as per the sale certificate No. 3904 dated 20.02.1961. On account of fabrication of the allotment letter, the decree holder was also convicted in a criminal case which, in appeal, was affirmed by the First Appellate Court. The original sale certificate shows that the Rehabilitation Department allotted the plot measuring 291 square yards and not the land measuring 2 bighas 6 biswas. It is further proved that the Karnal Improvement Trust acquired the land on 07.11.1972. The suit filed by the plaintiff against both the sons of Bhulla for injunction was decreed to the effect that they were restrained from forcibly dispossessing him. When he sought execution of the decree, the Karnal Improvement Trust filed the objections which have been allowed.

5. The learned counsel representing the appellant fails to draw the attention of this Court to any error in the aforesaid findings.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent orders passed by both the Courts below. Hence, the present appeal is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

May 01, 2025
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No