

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

139

2025:PHHC:041985



ESA-50-2024 (O&M)
Date of decision: 27.03.2025

CHARAN SINGH (DECEASED) THROUGH LRS. ..Appellant

Versus

GURMAIL SINGH ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Abrol, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

CM-12173-C-2024 & CM-12174-C-2024

1. For the reasons stated in the applications for condonation of delay which are supported by an affidavit, the applications are allowed.
2. The delay of 22 days and 114 days, respectively, in filing and refiling the appeal, is condoned.
3. CMs stand disposed of.

CM-12175-C-2024

4. For the reasons stated in the application which is supported by an affidavit, the application for bringing on record the legal representatives of deceased late Smt. Gurmej Kaur, is allowed, subject to all the just exceptions.
5. CM stands disposed of.

Main case

6. There is a decree for specific performance of the agreement to sell passed in favour of appellant on 09.01.2008. Pursuant thereto, the sale deed has been registered in favour of the appellant and possession has also been delivered.



7. Learned counsel for the appellant submits that though there was reference to a passage to be provided to the appellant in the agreement to sell, however, the same has not been provided.

8. On a Court question, he admits that there is no decree for providing a passage to the land measuring 11 kanal 6 marla, which was decreed in favour of the appellant. It is the duty of the Executing Court to implement the decree and it cannot go beyond the decree.

9. In case of a defect in the decree, the appellant is required to file application for amendment of the decree.

10. With these observations, the appeal is disposed of.

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

March 27th, 2025

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**(ANIL KSHETARPAL)
JUDGE**

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