



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

ESA-32-2025 (O&M)

Date of decision : 08.04.2025

Sachin Anand

...Appellant

Vs.

Pardeep Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sudeep Mahajan, Advocate
Ms. Saachi Mahajan, Advocate and
Mr. Shiv Charanjit, Advocate
for the appellant.

ANIL KSHETARPAL, J. (Oral)

1. This execution second appeal has been filed against concurrent orders passed by the Courts below while dismissing appellant's objection petition.
2. In fact, the struggle of the decree-holder/landlady continues after a period of 12 years from the date eviction order was passed against the appellant's father. Originally, the property belonged to Sh. Parshotam Dass, who executed a Will in favour of Smt. Chand Rani. Subsequently, children of Sh. Parshotam Dass executed a relinquishment deed acknowledging their mother Smt. Chand Rani to be exclusive owner of the property. The appellant's father-Sh. Sunil Anand was paying rent to Smt. Chand Rani. She filed rent eviction petition, which was allowed. When she filed the execution petition, the appellant objected on the ground that his father has handed over possession to him and he is co-owner of the property by virtue of two sale deeds dated



05.07.1996 and 13.12.2004 with respect to 233 sq. yards each. Admittedly, the eviction order was in favour of Smt. Chand Rani, who was the landlady. Moreover, Sh. Ramesh Kumar and Sh. Arun Kumar had executed a relinquishment deed in the year 1979 acknowledging their mother to be exclusive owner of the property. Hence, the validity of sale deed is debatable.

3. Learned counsel representing the appellant contends that Smt. Chand Rani filed a suit for declaration against the appellant challenging the sale deed, which was dismissed as withdrawn. He, hence submits that Smt. Chand Rani lost her title.

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. The suit was dismissed as withdrawn. Hence, there is no decree either against Smt. Chand Rani or in favour of the appellant.

6. At this stage, learned counsel representing the appellant submits that appellant is running an industrial unit and he is prepared to purchase Smt. Chand Rani's tenanted premises. If that be so, the appellant may make an offer to the decree-holder.

7. In this appeal, there is no ground to interfere. In fact, the appellant has been misusing the process of Court by taking all sorts of objection.

8. The appeal is dismissed.

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

(ANIL KSHETARPAL)
JUDGE

08.04.2025

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No