



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ESA No.7 of 2025 (O&M)

Date of Order:02.04.2025

Lata Rani @ Hem Lata

.Appellant

Versus

Ved Parkash Sethi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanwal Goyal, Advocate
for the appellant.

Mr. A.K.Khunger, Advocate
for respondent no.1.

ANIL KSHETARPAL, JUDGE (Oral)

1. In this Execution Second Appeal, the appellant assails the correctness of the concurrent orders passed by the Executing Court while dismissing her application for staying the warrants of possession.

2. The appellant claims to be co-sharer in the joint property.

3. After having heard the learned counsel representing the parties, this court is of the view that the struggle of the decree holder to get the decree implemented is a long drawn process which some times results in defeating the justice.

4. Sh. Ved Parkash Sethi, the decree holder, filed a suit for possession by way specific performance of the agreement to sell dated 08.09.2005, executed by Sh. Ravinder Kumar son of Sh. Mehal Chand and Sh. Ashok Kumar son of Sh. Charan Dass. The agreement to sell was with respect to a constructed three storey shop which was agreed to be sold for



Rs.35,50,000/-. The shop is situated in the area of Abohar Mandi.

5. The trial court decreed the plaintiff's suit which in first appeal was upheld by the First Appellate Court. Regular Second Appeal No.3647 of 2014, filed by the defendants was dismissed on 31.08.2017. Thereafter, in the execution petition, the sale was executed in favour of the decree holder. Two sisters of the Judgment Debtor No.1-Ravinder Kumar filed two suits for partition. In one suit, the decree holder was impleaded as party, whereas in the second suit, the decree holder was not impleaded as party. Similar objection petition filed by Smt. Raj Karni @ Raj Rani, the appellant's sister, was dismissed. She filed first appeal as well as execution second appeal.

6. The Execution Second Appeal was dismissed on 27.01.2025. Now the JD's other sister has come up in appeal.

7. The learned counsel representing the appellant submits that if the possession is delivered to the decree holder, she will suffer irreparable loss because in a suit for partition, preliminary decree has been passed.

8. Per contra, the learned counsel representing the respondent submits that against the preliminary decree, first appeal is pending.

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

10. Only preliminary decree for partition of the property has been passed, against which the first appeal is pending. Thereafter, once the preliminary decree becomes final, proceedings for permission of final decree will have to be initiated. It will take a very long time. The implementation of the decree passed by the court cannot be withheld only because another litigation is pending. As of now, there is no hindrance in implementation of



the decree.

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

12. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

April 02, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No