



CR-4763-2025 (O&M)

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

CR-4763-2025 (O&M)

Date of Decision: July 28, 2025

Mangal Das

.....Petitioner

Vs.

Dharampal Gupta

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ajay Pal Singh, Advocate
for the petitioner.

SUDEEPTI SHARMA J. (Oral)

1. Present petition has been preferred against order dated 15.07.2025 passed by learned Addl. Civil Judge (Sr. Division), Nabha, whereby the objections filed by the petitioner, have been dismissed.
2. Learned counsel for the petitioner contends that the learned Executing Court did not take into consideration the agreement to sell dated 18.01.2003, which was already on record, and wrongly observed that it is not there on the record and by observing the same, the objections filed by the petitioner are dismissed.
3. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.
4. It would be apposite to reproduce the relevant portion of the impugned order dated 15.07.2025, which reads as under:-

“I have carefully heard the counsel for objector as well as counsel for decree holder on objections under consideration. The objector has filed present objections on the ground that the draft sale deed filed by the decree holder is not consonance with the terms and conditions of judgment and decree dated 26.02.2019, on

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the basis of which, the present execution has been filed. I have carefully gone through the file. The decree holder has filed present execution on the basis of judgment and decree dated 26.02.2019, whereby, the suit for specific performance filed by him against objector was decreed with cost. The objector has assailed the judgment and decree dated 26.02.2019 through appeal but he lost the battle upto the Hon'ble Punjab & Haryana High Court. Thereafter, the decree holder has filed draft sale deed of suit property in present execution as the objector/JD has failed to honour the verdict of civil court. The main contention of the objector is that the draft sale deed filed by decree holder is not in accordance with the judgment and decree dated 26.02.2019, due to which, the same is liable to be discarded. Perusal of judgment and decree dated 26.02.2019 shows that the decree holder has filed suit for possession by way of specific performance on the basis of agreement to sell dated 18.01.2003 qua land measuring 3 Bighas against objector. The khasra numbers of suit property were not mentioned in the head note of plaint. This court has failed to locate the copy of alleged to agreement to sell dated 18.01.2003 on judicial file. The objector has also failed to produce on record any copy of alleged to agreement to sell dated 18.01.2003 to justify his objections that khasra numbers mentioned in the draft sale deed are different to those mentioned in said agreement to sell. The other contention of the objector can not be considered that the area of suit property has been mentioned in draft sale deed as 2B-19B although

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the area of suit property has been mentioned at 3B-0B in the judgment and decree dated 26.02.2019. When the area of suit property is lesser than the area of suit property mentioned in the judgment and decree dated 26.02.2019, then the objection raised by the objector can not be considered. In view of above discussions, the objections filed by JD are not maintainable and the same are dismissed with cost of Rs.10,000/- for wasting precious time of this court. The payment of cost shall be condition precedent before claiming any right by JD against the suit property.”

5. A perusal of the above shows that the learned Addl. Civil Judge (Sr. Division), Nabha has rightly observed that the decree holder filed civil suit for specific performance on the basis of agreement to sell dated 18.01.2003 qua land measuring 3 Bighas against objector. The khasra numbers of the suit property were not mentioned in the head note of plaint. The agreement to sell dated 18.01.2003 was not produced by the objector to justify his objections that khasra numbers mentioned in the draft sale deed are different to those mentioned in said agreement to sell. Further, objections filed by the petitioner are categorically dealt with by the learned Addl. Civil Judge (Sr. Division), Nabha.

6. In view of the above, there is no infirmity in the order dated 15.07.2025 passed by learned Addl. Civil Judge (Sr. Division), Nabha.

7. Accordingly, the present revision petition is dismissed being devoid of any merit.

July 28, 2025

Gaurav Arora

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No