



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

133 (A)

CR-1316-2025

Date of Decision.:21.04.2025

Mohinder Singh

.....Petitioner

Vs.

Jagjiwan Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. M.K. Dhaliwal, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Suit for recovery of ₹5,95,000/- along with interest filed by the plaintiff Jagjiwan Singh (*respondent herein*) was decreed by the trial Court on 04.07.2003. In the execution filed by the said decree-holder, sale certificate in respect of attached and sold property of JD was issued in his favour on 30.03.2022. Respondent/decreed-holder then moved another execution seeking delivery of possession of the property, regarding which sale certificate was issued in his favour. During pendency of that execution, the decree-holder transferred the property to Manpreet Singh and Harjit Singh, who moved application under Order I Rule 10 CPC, as they stepped into the shoes of decree holder. That application has been allowed by way of one impugned order dated 06.01.2024 (Annexure P-1).

2. Warrant of possession was then issued, when Jagroop Singh & Sumukh Singh, the sons of the judgment-debtor Mohinder Singh filed third party objections. It was claimed by Jagroop Singh that they had taken the suit property vide an agreement from the JD Mohinder Singh and had constructed a house thereon and so possession be not delivered to the decree-holders. That application was dismissed by the trial Court vide another impugned order dated 06.01.2024 (Annexure P-2). Another application was moved by Jagroop claiming the he had harvested the crop



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on that property and this application was dismissed on 9.2.2024 vide Annexure P3. The possession was delivered to the decree-holder/respondent as per the report dated 13.09.2024 (Annexure P-5).

3. Assailing the aforesaid orders, it is contended by learned counsel that decree-holder could not have sold the suit property to Harjit Singh and Manpreet Singh. It is further submitted that third party objections could not have been dismissed, without permitting Jagroop Singh to harvest his crop.

4. This Court does not find any merit in the petition. As noticed by the trial Court that in the sale deed in favour of Manpreet and Harjit, only symbolic possession had been delivered to them. Sale certificate had already been issued in favour of the decree-holder and as such, there was no bar in seeking the possession by the said transferees, after getting themselves impleaded in the execution. As such, finding no merit in the revision assailing the order dated 06.01.2024, the same is hereby dismissed.

5. Coming to the order dated 09.02.2024, suffice is to say that the application had been moved by the third objector Jagroop and not by the judgment-debtor Mohinder Singh, but revision is filed challenging the order by JD and not by Jagroop. Apart from this, the crop was sown by the third party objector, after the sale of the property in favour of the decree-holder.

6. As such, this Court does not find any illegality or perversity in the impugned orders. Consequently the revision does not contain any merit *qua* any of the impugned orders and so, the same is hereby dismissed.

**(DEEPAK GUPTA)
JUDGE**

April 21, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No