



CR No. 6397 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6397-2025 (O&M)
Decided on : 11.09.2025

Saroj Bala Bansal

.....Petitioner

Versus

Thakur Dawara Panjbiri, Barnala through its Mohtamim & Ors.

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. D.S. Bhinder, Advocate
Mr. Inderpreet Singh Kooner, Advocate
Ms. Indira, Advocate and
Mr. K.M. Garg, Advocate
for the petitioner.

DEEPAK GUPTA, J.

The petitioner, Saroj Bala, has filed the present revision petition as a third-party objector, assailing the order dated 03.09.2025 (Annexure P-7) passed by the learned Additional Civil Judge (Sr. Divn.), Barnala, whereby her objections under Order XXI Rule 97 CPC in Execution No.1 of 2019 titled "*Thakurdwara Panjbiri Barnala v. Vinod Kumar & Ors.*" were dismissed.

2. By judgment and decree dated 26.11.2015 (Annexure P-1), the suit filed by *Thakurdwara Panjbiri* (respondent No.1) was decreed. The plaintiff was declared as owner of the suit property. The lease deed dated 22.04.1988 executed by the *Mohtamim* for 99 years was declared void, and the defendants were directed to deliver vacant possession to the plaintiff. The appeal preferred by the defendants was dismissed by the First Appellate Court on 28.11.2018 (Annexure P-2). The decree was affirmed by this Court in RSA No.1255 of 2019 on 07.12.2021, thereby attaining finality.

3. During execution, the petitioner—sister of defendant /judgment-debtor No.1 Vinod Kumar filed objections. She asserted that the

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impugned lease deed had been executed in favour of her father Parkash Chand. Parkash Chand allegedly bequeathed his rights to Ravinder Kumar by Will dated 26.04.2002. Ravinder Kumar was further alleged to have executed another Will dated 04.03.2006, bequeathing his 2/3rd share to the petitioner. On this basis, she claimed independent possession and pleaded that, not having been impleaded in the suit, the decree was not binding upon her.

4. After framing of issues and recording of evidence, the Executing Court dismissed the objections vide order dated 03.09.2025, inter alia, holding that the Will dated 26.04.2002 in favour of Ravinder Kumar was proved through the scribe and one attesting witness. However, the alleged Will dated 04.03.2006 in favour of the petitioner was never produced or proved. The petitioner did not even enter the witness box, thereby failing to substantiate her claim or face cross-examination.

5. Learned counsel for the petitioner argues that by virtue of the Will dated 04.03.2006, the petitioner became owner of 2/3rd share in the suit property, and hence the decree dated 26.11.2015 cannot bind her.

6. Having considered the matter, this Court finds no merit in the contention.

7. The petitioner's entire claim rests on the Will dated 04.03.2006. That Will was never produced before the Court and, therefore, was neither exhibited nor proved as required under Section 68 of the Indian Evidence Act. Without proof of the Will by examining at least one attesting witness, no right can accrue. The law is well settled that a Will must be strictly proved. A bare assertion of existence of a Will, without production and proof, is meaningless in law. The petitioner chose not to step into the witness box. Her abstention justifies an adverse inference under Section 114(g) of the Evidence Act.

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8. Further, it is trite law that the Executing Court cannot go behind the decree. Independent claims by third parties may be examined, but only when they are genuine and duly established. Collusive or frivolous objections intended to delay or obstruct execution are liable to be summary rejected.

9. In the present case, the failure to produce the Will or adduce personal testimony shows that the objections were neither bonafide nor substantiated. The petitioner thus failed to prove any independent right in the suit property. The Executing Court, in dismissing the objections, committed no illegality or perversity. The objections are clearly an abuse of process aimed at obstructing the execution of a lawful decree.

10. Consequently, finding no merit in the revision petition, the same is hereby dismissed with the direction that the Executing Court shall proceed expeditiously with delivery of possession to the decree-holder so that no further obstruction is caused.

11.09.2025*Jiten***(DEEPAK GUPTA)
JUDGE**

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