

(2013) 08 P&H CK 0859

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 4689 of 2013 (O and M)

Ruchi Mandewal

APPELLANT

Vs

Rajinder Singh and Another

RESPONDENT

Date of Decision: Aug. 19, 2013

Hon'ble Judges: Rajan Gupta, J

Bench: Single Bench

Advocate: C.B. Goel, for the Appellant;

Final Decision: Dismissed

Judgement

Rajan Gupta, J.

Present revision petition is directed against the order dated 30.05.2013, passed by the executing court at Roop Nagar whereby objections filed by petitioner have been dismissed. Learned counsel for the petitioner has assailed the order. He submits that petitioner is a bonafide purchaser of the property. He has asserted that petitioner had purchased the suit property vide sale deed dated 5.3.2010 from Gurmit Kaur. Thus, she can not be deprived of the right accrued to her.

2. I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

3. It appears that a suit for possession by specific performance was filed by plaintiff Rajinder Singh against defendant Amrik Singh. On appreciation of evidence trial court came to the conclusion that there was substance in plea of the plaintiff. It decreed the suit on 17.11.2008. Pursuant to the decree, execution petition was preferred by the plaintiff. During the pendency of execution proceedings, instant application was moved by petitioner claiming that she had purchased the property from one Gurmit Kaur vide sale deed dated 5.3.2010. Thus, execution petition deserved to be dismissed. Executing court, however, came to the conclusion that decree had attained finality. By virtue of decree, rights had accrued in favour of the decree holder. Any transfer of property would be hit by doctrine of lis pendens. I

find no legal infirmity with the order. The decree cannot be allowed to be frustrated due to frivolous applications moved by the persons who claim to be subsequent vendees. I, thus, find no merit in the revision petition. Dismissed.