

CNR No:PBAS020010392025 CASE No:EXE-147-2025

**RAGHBIR SINGH THROUGH LR'S Vs MANMINDER KAUR
DAUGHTER OF AMRIK SINGH**

Present: Sh.Vivesh Chandna, Advocate for DH.
Sh. Abhishek Sharma, Advocate for JD.

ORDER:

1. This order of mine shall dispose of an application for dismissal of execution on the ground of concealment of facts moved by JD Manminder Kaur.

2. In the application, it is stated that Raghbir Singh (now deceased) son of Rattan Singh has filed false and frivolous suit which has been decreed by the Court and now DH have filed execution on the basis of false and frivolous facts. It is further stated that DH have not brought all the legal heirs of Raghbir Singh. The present false and frivolous execution have been filed through legal heirs Mandeep Singh son of Late Raghbir Singh, Balwinder Kaur W/o Raghbir Singh, Meenu Kaur W/o Gurpreet Singh D/o Raghbir Singh. It is further stated that one Sandeep Singh S/o Raghbir Singh and Sukhwinder Singh S/o Raghbir Singh are also Class-I legal heirs of Raghbir Singh, who have not been intentionally impleaded as parties in the execution by the DH's and DH's have concealed this material fact from this Hon'ble Court. It is further stated that the execution cannot be proceeded without impleading other legal heirs of Sandeep Singh son of Raghbir Singh and Sukhwinder Singh son of Raghbir Singh. It is further stated that it is the duty of DH to disclose the names of legal heirs of Raghbir Singh before filing of the

execution. It is further stated that the execution has been filed by DH with malafide intention and same is required to be dismissed with heavy costs. Hence this application.

3. In reply, it is stated by DH that application is not maintainable and filed to delay the proceedings of the execution application. It is further stated that during the pendency of civil suit, Raghbir Singh has died and after the death, JD has also not impleaded the legal heirs of said Raghbir Singh. The suit has been filed by JD against Mandeep Kaur, Raghbir Singh, Balwinder Kaur, Joginder Kaur and Meenu. It is further stated that the execution was also filed by Raghbir Singh through his Lrs Balwinder Kaur, Mandeep Singh and Meenu. It is further stated that JD has not filed a suit against the other Lrs of Raghbir Singh namely Sandeep Singh and Sukhwinder Singh. It is further stated that execution has also not been filed by other sons of Late Raghbir Singh namely Sandeep Singh and Sukhwinder Singh as no relief has been granted by the Court to the other sons of Raghbir Singh and no any case has been filed by JD against the said persons. It is further stated that during the pendency of the case, all the defendants had already transferred the suit property by way of a registered gift deed dated 27.01.2022 executed by all the remaining legal heirs of S. Rattan Singh. Remaining averments have been denied and prayed that application be dismissed.

4. I have heard the learned counsel for the parties and with their assistance gone through the file very carefully.

5. In this case it is admitted fact that Manminder Kaur who is

JD in the execution has filed suit for permanent injunction against the Raghbir Singh and his lrs. Further defendant no. 2 has also filed counter claim for mandatory injunction and permanent injunction against the plaintiff. It is matter of record that suit filed by the plaintiff Manminder Kaur who is JD in this execution application is dismissed by the Court and Counter claim filed by defendant no. 2 decreed by this court. Now lrs of Raghbir Singh has filed the present execution against Manminder Kaur. Through this application JD has sought dismissal of the execution on the ground of concealment of facts that DHS have not brought all the legal heirs of Raghbir Singh as Sandeep Singh and Sukhwinder Singh Sons of Raghbir Singh have not been intentionally impleaded. In view of this Court, the present application moved by JD Manminder Kaur is liable to be dismissed because DHS have impleaded only those persons as lrs against whom suit filed by Manminder Kaur JD. In the suit Sandeep Singh and Sukhwinder Singh were not made as party by Manminder Kaur. Moreover, Manminder Kaur has also not moved any application in the civil suit filed by her to implead the lrs of Raghbir Singh. It shows that DHS have not concealed any facts rather the present application is filed to delay the proceedings of execution. It is settled law that executing court cannot go behind the decree. At this stage, no ground is made out to allow the application and accordingly, application is dismissed.

Adjourned to 22.05.2025 for arguments on objections filed by JD.

Pronounced.

Dated: 16.05.2025

Dictated directly on computer

Mohit Kumar, Stenographer-III

(Dr. Gurdarshan Singh), PCS
Civil Judge (Junior Division)
Amritsar/(UID No.PB0504)