

**In the court of Ms. Manzra Dutta, P.C.S,(PB0595.)
Civil Judge Junior Division, Kharar.**

CNR No:PBSAA00012932022.

EXE/72/2022.

Date of order: 29.07.2024.

**Kulwinder Singh, aged 62 year son of Sh. Pritam Singh, resident of
village Singhpura, PS Kurali District S.A.S. Nagar. Mohali.**

...Decree Holder.

Versus.

**Paramjit Singh son of Sh. Kaka Singh, resident of House no.168,
Ward no.8, Kurali, PS Kurali, District S.A.S. Nagar.**

...Judgment debtor.

Present: Ms. Poonam, Advocate, counsel for applicant-Objector.
Sh. Surinder Pal Singh, Adv-counsel, for respondent-DH.
Sh. Hemant Burmi, Adv-counsel, for JD.

(Third Party Objection to the execution application).

ORDER

1. The present order of mine shall dispose off third party objections filed by the Objector.
2. Laconically stated the facts of the Third Party Objections to the execution are that the applicant has come to know about the present execution application when the Bailiff of this Court, came to the spot along with warrant of possession of the suit property. It is further submitted that the decree holder by concealing the true and material facts from the notice of court has got the decree passed in his favour. The decree holder has mentioned in his case that he is owner of the suit

Manzra Dutta (PB0595.)
CJD/Kharar/29.07.2024.

property which is altogether wrong and false. Further, the suit property involved in the present litigation is Dera of Naths of Kurali, situated at Ward no. 13 Near Shitla Mata Mandir, Kurali, Tehsil Kharar, District SAS Nagar. It is further submitted that being religious property of Dera of Naths owned and possessed by Dera of Naths and Dera of Naths is a very prominent place in the area of Kurali and large number of people from Kurali and from far off places used to pay respect in the Dera. It is further submitted that the suit property being the religious property of Dera so no private individual can claim it be his private and personal property nor the same can be used for any individual for his personal gain. The suit property of dera being maintained by the offerings of General Public and the suit property belong to the society nor to any individual. Further, Kulwinder Singh or Paramjit Singh has not disclosed the fact of the suit property being religious property to the Court for the reasons best known to them. Lastly, it is prayed that the objection petition may kindly be accepted and execution application may kindly be dismissed with heavy costs in the interest of justice.

3. Reply to the Third-Party Objection to the execution was filed wherein it is submitted that the present objections are not maintainable as the objector have not filed any resolution of Dera and have not shown any concern with the dera nor he had disclosed about the sale deed of the property in dispute and the objection petition does not show anything of dera. It is further submitted that Paramjit Singh JD has already filed a suit along with one Rajesh Kumar to challenge the sale deed of the disputed

property but he was unsuccessful for getting stay and due to which warrant of possession has already been issued and now in order to delay the proceedings, the said Paramjit Singh had got filed the 3rd party objection through one Harjinder Singh who has concern with the suit property. It is further submitted that the property in dispute is residential property and in order to avoid the warrants of possession Paramjit Singh himself got filed objection through Harjinder Singh who has no concern with the suit property. Lastly, it is prayed that the objections filed by third party Harjinder Singh are wrong narration of facts and same may be dismissed with special costs of Rs.30,000/- in the interest of justice.

4. Having heard the Ld. counsel for both the parties and having gone through the material placed on record this court is of the considered view that the Third Party Objection filed by the Ld. counsel for the applicant-Objector are bereft of any merits and deserve to be dismissed.

5. The Third Party Objection has been filed by the applicant-Objector on the ground that objector came to know about the present execution application when the Bailiff of this Court, came to the spot along with warrant of possession of the suit property. It is the contention of the Objector that the DH by concealing the true and material facts from the notice of the court has got the decree passed in his favour as DH has mentioned in his case that he is owner of the suit property which is altogether wrong and false and the suit property being the religious property of Dera so no private individual can claim it be his private and personal nor the same can be used for any individual for his personal gain.

To the contrary, the property in dispute is residential property and in order to avoid the warrants of possession Paramjit Singh himself got filed objection through Harjinder Singh who has no concern with the suit property.

6. It is firstly to be noted that the third party objector has alleged that the suit property of Dera is being maintained by the offering of General Public and the suit property belongs to the society nor to any individual. In this regard it is pertinent to mention here that the Harjinder Singh is neither the owner of the property in question nor has he been able to show any other right over the same. Further, he has alleged that the property in dispute is owned by the Dera, however he has not placed on record any document authorizing him on behalf of the Dera to appear before the court. Hence, the objector nowhere could establish his locus standi to file the present objections. Accordingly, the third-party objections so filed by the application-objector stand **dismissed**.

7. Let, warrants of possession is ordered to be issued for **28.08.2024** with police help.

Pronounced in open Court.
29.07.2024.
Kulwinder Singh.
Stenographer Gr.II.

Manzra Dutta(PB0595.)
Civil Judge (Junior Division)
Kharar.
Directly dictated.

Manzra Dutta (PB0595.)
CJD/Kharar/29.07.2024.