

Parkash Chand vs. Hardyal Singh and Ors.
CMPMO No.45 of 2024

16.01.2024 Present: Mr. N.K. Thakur, Senior Advocate with Mr. Divya Raj Singh Advocate for the decree holder/petitioner.

At this stage, notices are only being issued to respondents No. 1 to 6. On taking steps within three days, issue notice to Judgment Debtors/respondents No. 1 to 6, returnable within six weeks.

CMP No. 1270 of 2024

A perusal of Annexure P-1 i.e. judgment dated 17.11.2007 categorically reflects that the suit for partition had been filed with respect to three Khasra numbers namely Khasra No. 1754, 1756 and 1749. A further perusal of the judgment clearly reflects that the suit qua khasra No. 1749 had been withdrawn. Vide Annexure P-1, a preliminary decree was passed in favour of the plaintiff i.e. predecessor-in-interest of the decree holders to the extent of one half share i.e. Khasra No. 1754 and 1756.

Final decree in the case at hand was passed on 03.03.2018. A perusal of the final decree appended alongwith petition as Annexure P-2 categorically reflects that the old Khasra No. 1754 had now become Khasra No. 240 and similarly old Khasra No. 1756 had now become Khasra No. 242. A further perusal of the final decree reflects that on some part of Khasra No. 240 (old No. 1754), construction of a house had been raised by the judgment debtors.

An execution petition was filed by the present decree holders, a copy whereof is being appended alongwith present petition as Annexure P-4. The judgment debtors preferred their objections vide Annexure P-5. One specific objection taken by the judgment debtors was that one of the decree holders i.e. Sh. Ram Chand had transferred his right title and interest in the subject matter of the joint decree through a sale deed in favour of the judgment debtors specifically respondent/judgment debtor No.2.

Though, while rejecting the objections vide impugned order dated 03.01.2024, the executing Court takes note of the fact that one of the three decree holders namely Ram Chand had transferred his right title and interest in the suit land in favour of respondent/Judgment debtor No.2, who is the present petitioner before this Court but while passing the impugned order, learned Trial Court has issued a warrant of possession with respect to the entire suit land.

In view of the aforesaid, further proceedings in Execution Petition No. 342/2022, pending before the Ld. Senior Civil Judge, Court No.1, Una, District, Una shall remain stayed till further orders.

CMP No. 1271 of 2024

The application is disposed of by exempting the applicant/petitioner to file translated copy of documents in issue.

Petitioner may produce the downloaded copy of the order passed by the Court before the Authorities concerned, if required, and the concerned Authority shall not insist for the certified copy of order, rather passing of order can be verified from the web-page of this Court.

(Bipin C. Negi)
Vacation Judge

January, 16, 2024
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