

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.2708 of 1996 (O&M)

Date of decision: 30.11.2012

Harjinder Singh and another

.....Petitioners

Versus

Smt. Jaspal Kaur and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE A.N. JINDAL

Present: None for the petitioner.

Mr. Vinay Saini, Advocate,
for Mr. G.S. Nagra, Advocate,
for respondent Nos.2 and 3.

A.N. Jindal, J.

This petition has arisen out of the order dated 28.02.1996 passed by the Civil Judge (Senior Division), Kapurthala, dismissing the application filed by the petitioners for restitution of the suit property.

A civil suit filed by Jaspal Kaur against the petitioners and Ranjit Singh was decreed on 03.10.1988. Thereafter, in execution filed by said Jaspal Kaur-decree holder, the property of the petitioners was put to auction and the same was purchased by Puran Singh and Bhajan Singh-respondent Nos. 2 and 3 herein. Sale certificate was also issued in their favour. Later on, the petitioners filed an application for setting aside the aforesaid exparte decree (after the property was auctioned) which was allowed on 08.08.1992

and ultimately, suit filed by Jaspal Kaur was dismissed. Now the petitioners have sought restitution of the suit property, which has already been auctioned.

The trial Court, while dismissing the application, has held that respondent Nos.2 and 3 (Puran Singh and Bhajan Singh) having purchased the property through Court auction, are the bonafide purchasers for consideration and the setting aside of the exparte judgment and ultimate dismissal of the main suit filed by Jaspal Kaur against the petitioners and Ranjit Singh does not affect their rights, which has accrued to them pursuant to the sale certificate dated 11.06.1991.

Having examined the impugned order, no illegality, much less irregularity has been detected therein, warranting interference by this Court.

No merits.

Dismissed.

30.11.2012
ajp

(A.N.Jindal)
Judge