

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).8406/2019  
(Arising out of Special Leave Petition (C) No(s). 29386/2013)

ROSHNI AND ANR.

APPELLANT(s)

VERSUS

NARESH KUMAR AND ORS.

RESPONDENT(s)

O R D E R

Leave granted.

By the impugned order the High Court has practically rejected the statement of objections filed by the appellants to the execution petition, based on which issues were raised by the executing court. The objections are not allowed to be raised in the execution petition on the ground that the appellants herein are purchasers *pendente lite*.

The objections of the appellants, who were stated to be purchasers *pendente lite*, filed under Section 47 Code of Civil Procedure (C.P.C.) read with Order XXI Rule 97 C.P.C. need to be heard by the executing court. The order to be passed under Order XXI Rule 97 C.P.C. amounts to decree. Therefore, the plea of the objectors cannot be shut at the inception by rejecting the statement of objections unless the statement of objections is

frivolous and *ex facie* not maintainable. The aspect of purchaser *pendente lite* also will be heard by the executing court while considering the statement of objections.

In our considered opinion, the High Court was not justified in rejecting the statement of objections on the very inception. Accordingly, the impugned order stands set aside. The Executing Court is directed to hear the statement of objections as per law by proceeding from the stage where it was stopped at an early date.

The appeal is, accordingly, disposed of.

.....J.  
[MOHAN M. SHANTANAGOUDAR]

.....J.  
[DEEPAK GUPTA]

NEW DELHI;  
NOVEMBER 05, 2019.

ITEM NO.18

COURT NO.14

SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S D E E P A K G U P T A

Petition(s) for Special Leave to Appeal (C) No(s). 29386/2013

(Arising out of impugned final judgment and order dated 08-08-2013 in CR No. 6454/2011 passed by the High Court Of Punjab & Haryana At Chandigarh)

ROSHNI AND ANR.

Petitioner(s)

VERSUS

SH.NARESH KUMAR AND ORS.

Respondent(s)

Date : 05-11-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Narender Hooda, SR. Adv.  
Mr. Meenesh Dubey, Adv.  
Mr. Ravinder Kumar, Adv.  
Dr. Surender Singh Hooda, Adv.  
Mr. Kamal Mohan Gupta, AOR

For Respondent(s) Mr. Vineet Bhagat, AOR  
Mr. K.G. Bhagat, Adv.  
Ms. Archana Midha, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
COURT MASTER (NSH)

(Signed order is placed on the file)