

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CM(M) No. 31/2026

CM No. 859/2026

Ganesh Dass

.....Appellant(s)/Petitioner(s)

Through: Ms. Vasudha Sharma, Advocate

vs

Baisakhi Ram and ors.

..... Respondent(s)

Through: Mr. Mandeep Singh Sambyal, Advocate with
Mr. Amit Khajuria, Advocate

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER(ORAL)

08.07.2026

1. The Hon'ble Supreme Court in case titled, '*Periyammal (Dead Through LRS & Ors. vs. V. Rajamani & Anr. Etc.*' reported in 2025 INSC 329 has directed the expeditious disposal of the execution petition. So far as the present case is concerned, the petitioner is aggrieved of the order dated 04.11.2025 passed by the court of learned Munsiff, Samba (For short 'the Executing court'), in an application filed under Order 21 Rule 97 CPC, whereby the learned Executing court framed the issues and onus to prove the same has been placed upon the respondent No. 1.
2. Ms. Vasudha Sharma, learned counsel for the petitioner submits that in view of the material available on record, it was not open for the learned Executing court to frame the issues. She has placed reliance upon the judgment of the High Court of Rajasthan, titled, 'Smt. Shanti Devi vs. Chimanaram Mantri Trust' decided on 08.08.2017.

3. *Per contra*, Mr. Mandeep Singh Sambyal, learned counsel for respondent No. 1/objector to the decree before the Executing court, has submitted that in view of the contradictory reports submitted by the revenue authorities and more particularly as the land in question and not the suit property, belonged to the respondent No. 1, the order impugned was passed. He has further submitted that it was the positive case of respondent No. 1 before the executing court that the land upon which he has raised construction of Khokha was different vis-a-vis the subject matter of the decree.
4. After arguing for a while, learned counsel for the parties have agreed for disposal of the present petition that the proceedings before the executing court in the execution application preferred by the petitioner be expedited and the learned executing court be directed to decide controversy involved in the Execution petition as expeditiously as possible. Learned counsel for respondent No. 1 has assured the Court that respondent No. 1 will not seek un-necessary adjournment before the learned executing court.
5. In view of the above, the present petition is disposed of by directing the learned Executing court to ensure that the controversy involved in the Execution petition be concluded within a period of three months from the date of receipt of this order. None of the parties shall seek unnecessary adjournment and if necessary, the proceedings be conducted on day to day basis as the judgment and decree was passed in the year 1986. The learned Executing court, thereafter, shall file the compliance report with regard to the compliance of this judgment.

6.

Disposed of.
7.

Copy of this order be sent to learned Executing court along with the judgment of the Hon’ble Supreme Court rendered in case titled, ‘Periyammal (Dead Through LRS & Ors. vs. V. Rajamani & Anr. Etc.’

(RAJNESH OSWAL)
JUDGE

Jammu
08.07.2026
Neha-II

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No

