

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

Civil Revision No.1556 of 1992 (O&M)

Date of decision: 01.07.2015

Committee of Management of Gurdwara Sahib Padhahi Naumi
situated in Village Malakpur Khiala, District Bhathinda.

... Petitioner

versus

Mahant Kartar Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. P.S. Thiara, Advocate, and
Mr. Harnaik Singh, Advocate,
for the petitioner.

Mr. Sunil Garg, Advocate,
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The revision is against the order in execution declining to execute the decree, for, it contains a different khasra number than what was provided under the decree. The execution petition made reference according to the decree holder to the new khasra numbers that had been assigned during the consolidation that took place in the year 1961 but the suit had been filed with reference to pre-consolidation khasra number by mistake. According to the

petitioner, there was no objection at all as regards the identity of the property and the defendant admitted himself to be in possession of the property which the petitioner claimed. The suit was decreed and the appeal by the defendant was also dismissed.

2. Even without joining the issue on whether the identity of the property is the same or not, I would find that the Executing Court could not have gone through beyond what the decree contained and, therefore, the plaintiff/decreed-holder could not put in execution any property for which there was no reference in the decree itself. A dismissal of the petition before the court below will have to be supported on a fundamental point that the decree holder could not have sought for execution of a property which was not specifically recited in the decree. The Executing Court has correctly adopted the procedure of only allowing for a liberty to the decree holder to apply to the court on the original side for amendment of the decree before applying for execution. That order is correct and the petitioner may resort to such a remedy. The revision petition is, therefore, dismissed with the above observations.

(K.KANNAN)
JUDGE

01.07.2015
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