

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

Civil Revision No. 1511 of 2015

Date of Decision: 03.03.2015

Suraj Bhan

.....Petitioner

Vs.

Bhadu and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Krishan Singh, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 25.02.2015 (Annexure P-8), whereby the application moved by the petitioner for directing the decree holder not to interfere in removal of the debris of the house by him from the disputed *bara*, was dismissed.

I have heard learned counsel for the petitioner and gone through the record available on the file carefully.

Respondent No. 1 had filed a suit for possession of land measuring 0-3 marla Gair Mumkin Bara. The suit filed by respondent No. 1 was decreed vide judgement/decreed dated 03.08.2000.

Trial Court while decreeing the suit of respondent No. 1, held as under:-

“For the reasons discussed, supra, the present suit filed by the plaintiff for possession of the bara in dispute, with consequential relief of permanent

injunction restraining the defendants from raising any construction or changing the nature of the suit property in any manner, succeeds, and the same is hereby decreed qua the defendants. However, defendants are directed to hand over the vacant possession of the disputed bara to the plaintiff within a period of two months from the date of this decree, failing which the plaintiff would be entitled to get the needful done through court intervention at the expenses of the defendants. Parties to the suit are also left to bear their own costs. Decree-sheet be prepared accordingly. File be consigned to the record room.”

Thereafter, respondent No. 1 filed execution petition for seeking execution of the decree. During the pendency of the execution petition, petitioner moved an application that the decree holder should be directed not to interfere in the action of the petitioner to remove the debris of the house. The learned trial Court rightly dismissed the application filed by the petitioner as petitioner was directed to hand over the vacant possession of the disputed *bara* to respondent No. 1, within a period of two months of the passing of the decree. Further suit of respondent No. 1 for permanent injunction was decreed restraining the petitioner for raising any construction or changing the suit of the property, in any manner. Moreover, it was the case of respondent No. 1 that he had constructed two rooms on the Northern-southern side of the *bara* in dispute and the remaining portion was being used by the plaintiff for placing dungs etc. Petitioner had taken up the plea that he had become owner of the suit property on the basis of adverse possession. However, the said plea taken by the petitioner was not believed by the trial Court and it was held that the petitioner had encroached upon the suit property.

In the facts and circumstances of the present case, trial Court
has rightly dismissed the application, moved by the petitioner.

Hence, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

March 03, 2015
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