

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

VARINDER SINGH
2015.08.05 10:37
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Punjab & Haryana High Court at
Chandigarh

Civil Revision No. 4332 of 2015 (O&M)

Munshi and others

... Petitioners

VS

Satpal and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. R. N. Lohan, Advocate, for the petitioners.

Rajesh Bindal, J.

The Judgment-Debtors are before this Court impugning the order dated 13.5.2015 passed by the learned Executing Court dismissing the objections filed by them.

The execution was of the decree passed in favour of the respondents on 25.2.2009 in a suit for possession. It was claimed in the suit that the present petitioners had illegally encroached the land and raised construction thereon. They were directed to hand over the possession of the suit land to the decree-holders within three months. The judgment and decree of the trial Court was upheld upto this Court after the dismissal of the Regular Second Appeal No. 2206 of 2011 Munshi and others vs Satpal and others vide judgment dated 30.7.2014.

The objections were filed by the petitioners claiming that there being construction on the suit property and the relief of mandatory injunction having not been claimed, the decree cannot be executed. However, the contention is totally misconceived. When the suit for possession has been decreed, if during the pendency or otherwise the defendants had raised any construction, they could raise all the issues before the Court in the pending suit. The decree for possession has to be executed in whatever state the suit property is. It has to be executed by handing over the possession thereof to the decree-holders.

There is no error in the reasons assigned by the learned Court below while dismissing the objections filed by the petitioners. There is no merit in the present petition. The same is accordingly dismissed.

13.7.2015

VS

(Rajesh Bindal)
Judge