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

**CR No.4716 of 2015**

**Date of decision: July 31, 2015**

Lakhwinder Singh and others

.....Petitioners

Versus

Surinder Singh and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. R.S. Budhwar, Advocate  
for the petitioners.

**SABINA, J**

Petitioners have filed this petition challenging the order dated 18.05.2015, whereby, objections filed by the petitioners, were dismissed.

Learned counsel for the petitioners has submitted that the petitioners were not party to the suit filed by respondent No.1-decree-holder. In fact, petitioners were in possession of the suit property.

In the present case, respondent No.1-decree-holder had filed suit for possession of the land measuring 1 Kanal 17 Marlas bearing Khasra No.88//13/1/1. Suit filed by the respondent No.1 was decreed by the trial Court vide judgment/decreed dated 14.09.2010. While deciding issue No.1, the trial Court held as under:-

*“In the light of discussion above, it is held that plaintiff is lawful owner of the suit land and therefore, is entitled to recover possession thereof.*

*However, it may be clarified here that since by filing a civil suit, defendant no.1 and her sons have sought a declaration that partition order dated 20.9.2001 and Sanad Taksim dated 2.11.2001 prepared by A.C. Second Grade, Jagadhri are lawful and valid and thus, are liable to be implemented and further the subsequent orders dated 30.05.2003 passed by Collector, Yamuna Nagar, order dated 17.5.2015 passed by Commissioner, Ambala Division, Ambala Cantt. And order dated 9.8.2005 passed by FCR, Haryana, Chandigarh are illegal, null and void, having no binding effect upon rights of defendant no.1 and her sons, therefore, the decree passed in the present suit shall be subject to the decision of the civil suit filed by defendant no.1.*

*Issue no.1 is decided in favour of plaintiff and against defendants.”*

Appeal filed by respondent No.2 was dismissed by the Appellate Court vide judgment/decreed dated 29.08.2013. Petitioners had filed their objections in the execution proceedings initiated by respondent No.1. Executing Court vide the impugned order dismissed the objections filed by the petitioners. Hence, the present petition.

The learned Executing Court while dismissing the objections filed by the petitioners has held that the objections, which were now raised by the petitioners were raised before the trial Court by respondent No.2 and the same were dismissed vide order dated 14.09.2010. Similar objections taken before the First Appellate Court were dismissed vide order dated 29.08.2013. Respondent No.2 is

none other than the mother of the petitioners. Moreover, suit has been filed by respondent No.2 and the petitioners challenging partition order and Sanad Taksim prepared by Assistant Collector, IInd Grade and the subsequent orders passed by revenue officers. The decree passed in favour of respondent No.1 was ordered to be, subject to the decision of the civil suit filed by respondent No.2 and the petitioners. In these circumstances, objections filed by the petitioners have been rightly dismissed by the Executing Court.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)  
JUDGE**

**July 31, 2015**

*mahavir*