

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 4862 of 2015
Date of Decision: 04.8.2015.**

Arjan Dass

.....Petitioner

Versus

Ram Ditta (deceased) through LRs

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ishwar Lal, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 13.5.2015 (Annexure P-1) whereby objections filed by the petitioner, were dismissed.

Learned counsel for the petitioner has submitted that the petitioner is in possession of the suit property as he had constructed his house over *khasra* No. 33//19/10.

Respondent Ram Ditta had filed suit for possession against the petitioner and the said suit was decreed by the Trial Court vide judgment/decreed dated 10.9.2008. The suit was contested by the petitioner. During execution proceedings, petitioner filed his objections and submitted that his house was situated in *khasra* No. 33//19/10 whereas the *khasra* number qua which the decree had been passed, was different.

The Executing Court while dismissing the objections filed by the petitioner, has held as under:-

“Both the ld. counsel for the parties argued on the basis of their respective pleadings. After hearing the ld. Counsel for the parties and after going through the case file properly, the Court has come to the considered conclusion that main suit was instituted on 5.9.1998 and was hotly contested by the objector/JD who was defendant at that time and same was decree by the Court on 10.9.2008 and thereafter till the date of issuance of warrant of possession he has not raised any plea that his house is situated in khasra number 33//19/10 and khasra number under execution is different and is somewhere else. It shows that just to save his property he got demarcated the land with intention to linger on the execution proceedings. Further the objector has not disclosed that he has filed any appeal against the decree under execution by taking such like plea or any appeal is pending in the Ld. Appellate Court. Plea of objector that khasra no. 33//19/11/2(0-2) might be somewhere else and not underneath the house of objector is not maintainable because property of khasra no. 33//19/11/2(0-2) was duly demarcated by Field Kanungo as per direction of the Court. In the main suit the Court had given finding after considering all the facts in favour of the DH/plaintiff and found the defendant to be in illegal possession. Moreover, perusal of the

demarcation report placed on record by the objector reveals that revenue official visited the spot and found the pucca burji at that place but same was not found and they presumed the wall of house as point of Burji for the purpose of demarcation. It shows that demarcation done by the revenue official on 19.2.2015 is faulty and not proper and true as per correct position. Further the objector has also failed to prove the fact that he has constructed the house since long or having electric connection therein. Moreover, the executing Court can not go beyond the decree. In my view, only motive and purpose of filing present objections is to linger on the proceedings of the execution. Hence, objections filed by objections devoid of any merits and the same is hereby dismissed.”

The reasons given by the Executing Court while dismissing the objections filed by the petitioner are sound reasons and call for no interference.

Dismissed.

**(SABINA)
JUDGE**

August 04, 2015
Gurpreet