

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5547 of 2015
Date of decision: 03.09.2015

Gurjaspreet Singh

... Petitioner

Versus

Hardev Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. HPS Ghuman, Advocate, for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Concededly, the decree for possession by way of specific performance of the agreement to sell, dated 03.05.2004, granted in favour of the petitioner is qua 547/3062 share i.e. 14 bighas 9 biswas, compromised in Khewat No.43, Khatauni No.89, Khasra No.753 (10-0), 761/279 min (1-0), 280 min (1-9), 755/714/281 min (1-0), 716/283 min (1-0). Indisputably, the land in question is a part of a joint holding measuring 27 bighas 3 biswas. Though, specific khasra numbers were agreed to be sold to the petitioner (decree-holder), but nothing was brought on record to show that predecessor-in-interest of the petitioner, namely, Hardev Singh was indeed in actual physical and exclusive possession of the said khasra numbers. That being so, the

petitioner could not be put in actual physical possession of those khasra numbers. Therefore, he could only be delivered symbolic possession (Malkana Possession). Of course, the petitioner could obtain actual physical possession only after seeking partition of the total land.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by the executing court was either contrary to the position on record or suffered from any material illegality.

No interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution. Petition being devoid of merit is accordingly dismissed.

September 3, 2015
Rajan

(Arun Palli)
Judge