

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

CR No. 6068 of 2013

Date of decision: 21.04.2015

Ram Kalan and another

....Petitioners

Versus

Randhir @ Dhirea and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

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

SABINA, J.

Petitioners have filed this petition challenging the order dated 17.04.2013, whereby application moved by the petitioners under Order 21 Rule 32 (1) of the Code of Civil Procedure, 1908 was dismissed.

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

Petitioners had filed suit for permanent injunction. During the pendency of the suit defendants took the possession of the disputed property and the petitioners sought amendment of the suit and claimed relief of possession. The suit was decreed by the trial Court vide judgment and decree dated 13.11.1996. During execution proceedings possession was delivered to the petitioners on 04.09.2009. Thereafter, petitioner again filed the application in question alleging therein that the defendants had again encroached upon the suit property. A perusal of the impugned order reveals that a local commissioner was appointed on the statements of the parties and as per the latest report of the local

commissioner dated 02.06.2011 judgment debtors had not encroached upon any area of *Khasra* in question. The executing Court rightly placing reliance on the said latest report of the local commissioner, dismissed the execution petition filed by the petitioners.

No ground for interference is made out.

Dismissed.

April 21, 2015
Naveen

(SABINA)
JUDGE