

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

CR No.6209 of 2015

Date of decision: 19.09.2015

Khurshid, through LRs Hasina and others

...Petitioner(s)

versus

Umar Mohammad and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Monisha Lamba, Advocate,
for the petitioner(s).

RITU BAHRI, J.

Challenge in this petition is to the order dated 19.08.2015 (Annexure P-2) passed by the Civil Judge (Junior Division), Faridabad, whereby warrants of possession qua the suit property has been issued.

Suit filed by the plaintiff-respondent No.1 declaring him as owner in possession of the suit property had been decreed vide judgment and decree dated 05.06.2007 and the plaintiff-respondent No.1 was declared owner in possession of house, mentioned in para No.1 of the plaint. Thereafter, in the execution proceedings, objection filed by the judgment debtor was dismissed vide order dated 12.10.2009. During the execution proceedings, vide order dated 25.09.2010, the executing Court had directed the decree holder-respondent No.1 to place on record the evidence to prove that he had been wrongly dispossessed by the judgment debtors (present petitioners). Thereafter, statements of the witnesses of decree holder as well as judgment debtors were recorded and finally, it was held that since the objections of the judgment debtors had already been dismissed, the executing

Court was required to execute the judgment and decree dated 05.06.2007. Hence, warrants of possession of the suit property were issued for 16.09.2015.

Learned counsel for the petitioners has argued that no finding has been returned by the execution Court, as to on which date the decree holder-respondent No.1 had been dispossessed by the judgment debtor-petitioner(s).

Even though this fact has not been recorded in the impugned order, but pursuant to passing of the judgment and decree, the decree holder has to be given the possession of land in dispute by executing the said decree. In view of the above, the warrants of possession have been rightly issued in favour of the decree holder.

No ground is made out to interfere in the impugned order.

Dismissed.

(RITU BAHRI)
JUDGE

19.09.2015
ajp