

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6606 of 2015 (O/M)
Date of decision : 7.10.2015

Mohd. Sadiq

..... Revisionist

Versus

Gian Bhushan and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Malkeet Singh, Advocate, for the revisionist.

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

-. -

-. -

KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 11.8.2015 (Annexure-P-3), passed by the learned Civil Judge (Junior Division), Malerkotla, in which in the execution petition, the objections filed by third party under Order 21 Rule 97 of Code of Civil Procedure, 1908 ('CPC') read with Section 151 CPC, were dismissed.

Suffice to say that according to the revisionist, the rest house is lying constructed on the disputed property for the facility of

CR No. 6606 of 2015 (O/M)

-2-

stay of railway passenger. The rest house was constructed by Nawab of Malerkotla in the year 1901. Earlier, the grandfather of the objector then after his death, father of the objector and now the objector is performing the functions of manager. Therefore, the judgment and decree dated 20.8.2008 is not binding upon the rights of the objector.

I have heard the learned counsel for the revisionist and have also carefully gone through the file.

The perusal of the file shows that a decree for possession of the property measuring 1645 square yards as shown in the attached site plan attached with the plaint was passed in favour of plaintiffs/respondents. Now, the said decree is being executed. The objector claims that there is a rest house in the said property, which is being managed by him and the adjoining courtyard is also in his possession. The copy of Jamabandi for the year 1968-69 has been relied upon wherein on the land measuring 3 kanals, a *Sarai* has been shown. However, the revisionist has failed to produce any document to show that he is in possession of the said *Sarai* or he is managing it. Just because in the revenue record for the year 1968-69, a *Sarai* is shown, it does not mean that it should be concluded that the present revisionist is managing the same and before him, his forefathers were managing the same. The objections are groundless and aimed at delaying the execution of

CR No. 6606 of 2015 (O/M)

the decree.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

7.10.2015
sjks