

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

CM No.23636-CII of 2015 in/and
CR No.7069 of 2015
Date of decision: 06.11.2015

Ram Parkash

...Petitioner

versus

Khairati Lal and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Tarunveer Vashist, Advocate,
for the applicant-petitioner.

RITU BAHRI, J.

CM No.23636-CII of 2015

Report of Local Commissioner dated 18.01.1987 is taken on record.

Misc. application stands allowed accordingly.

On an oral request of learned counsel for the petitioner, the main petition i.e. CR No.7069 of 2015 is taken up today itself for disposal.

CR No.7069 of 2015

Challenge in this petition is to the order dated 11.08.2015 and 10.09.2015 passed by the Civil Judge (Senior Division), Pathankot-executing Court, whereby objections filed by JD No.2-Ram Parkash (petitioner herein) have been dismissed and warrants of possession qua the dispute property have been issued.

Suit filed by the plaintiffs-respondent Nos. 1 to 4 seeking

possession of the land in dispute was decreed on 30.10.1987. As per objector-petitioner, symbolic possession of the suit property was given to his vendor on 28.07.1956 and thereafter, he (judgment debtor) remained in physical possession of the same. Trial Court while decreeing the suit has rejected the plea of adverse possession. As per the report of Local Commissioner, which has been placed on record today, demarcation of the land in dispute was conducted on 18.01.1987.

The objection of JD No.2-petitioner was that he has constructed a house over the suit land, which does not form part of execution proceedings. Since the plea of adverse possession has already been rejected by the trial Court and the house in question was constructed 50 years back, the objections of the petitioner have been rightly dismissed. The decree holders can take possession of the suit land after removing *malba* of the house.

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

Dismissed.

(RITU BAHRI)
JUDGE

06.11.2015
ajp