

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

CR No.8253 of 2014

Date of Decision: December 08, 2015

Working Women Rural Welfare Society (Regd.) Petitioner

vs.

Avtar Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. H.S. Dhindsa, Advocate for the respondent.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 08.11.2013 passed by learned Addl. Civil Judge (Sr. Divn.), Kharar, whereby the objections filed by the petitioner-judgment debtor were dismissed.

Learned counsel for the petitioner contends that a decree for mandatory injunction was passed in favour of the plaintiff-decree holder against the present petitioner-judgment debtor on 14.11.2002 by learned Civil Judge (Jr. Divn.), Kharar. An execution was instituted on 10.11.2006. He filed objections that the execution petition is time barred and is filed beyond the prescribed period of three years. However, the objections have been summarily dismissed.

A perusal of the decree passed by the lower court, placed on file, shows that in addition to granting mandatory injunction, a direction was given to deliver the physical possession, which amounts to a decree for possession. Therefore, it is not governed by the Article 135, which only relates to mandatory injunction. Thus, the objections were rightly dismissed by the lower court.

The authority of Hon'ble the Supreme Court relied upon by learned counsel for the petitioner in case of ***“Dip Narain Tiwari vs District Judge, Ballia and others”, 1985(2) All India Land Laws Reporter, 551***, relates to the case where only mandatory injunction is granted.

Hence, the present revision petition stands dismissed.

December 08, 2015
sarita

(KULDIP SINGH)
JUDGE