

**In the High Court of Punjab and Haryana at Chandigarh**

CR No. 952 of 2015

Date of decision: 10.03.2015

Shri Bhagwan

.....Petitioner

Versus

Prem Singh and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Ms.Monika Jalota,Advocate for  
Mr.G.S.Hooda,Advocate  
for the petitioner.

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SABINA, J

Petitioner has filed this petition challenging the order dated 8.8.2014 (Annexure P1) whereby objections filed by the petitioner during the execution proceedings, were dismissed.

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

Impugned order dated 8.8.2014 (Annexure P1) reads as under:-

“Arguments heard on the objections filed by the judgment debtors and it has been averred by the judgment debtors in the objections that the judgment and decree dated 6.11.2002 is not executable and as such the execution is liable to be dismissed.

Arguments have been heard and a perusal of the case file shows that the plaintiff had instituted a civil suit titled as Prem Singh vs. Shri Bhagwan and others for

getting possession of the suit property measuring 32'x9' fit which has been shown in red colour marked with letter ABEF in the site plan placed on the original file and the suit dated 6.11.2002. Since the suit for possession filed by the plaintiff has already been decreed, hence, he is entitled to get the possession of the suit property and as such the objections filed by the judgment debtor are, hereby, rejected. Now, warrant of possession for the suit property be issued for 16.10.2014.”

In the present case, respondent No.1 had filed suit against the petitioner and others for possession under Section 6 of the Specific Relief Act, 1963. The said suit was decreed vide judgment/decreed dated 6.11.2002 (Annexure P6). A perusal of the judgment dated 6.11.2006 (Annexure P6) reveals that the petitioner had filed his written statement and he had himself appeared in the witness box as DW1 and had examined three witnesses in support of his case.

Since the suit filed by respondent No.1 was decreed, learned Executing Court had rightly held that respondent No.1 was entitled to get the possession of the suit property. No ground for interference by this Court is made out.

Dismissed.

**(SABINA)  
JUDGE**

**March 10, 2014**  
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