

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

**Regular Second Appeal No.3393 of 2011 (O&M)
Date of Decision: February 04, 2015.**

Jaswant Singh

.....APPELLANT(s).

VERSUS

Shri Krishan Chetanya and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhag Singh, Advocate
for the appellant (s).

SURINDER GUPTA, J.(Oral)

Heard.

The appellant-plaintiff filed a suit for mandatory injunction seeking directions for restoration of the possession of land measuring 12 kanals 18 marlas, which was taken under the order of revenue Court in the proceedings under Punjab Tenancy Act.

Both the Courts below dismissed the suit with the observation that the jurisdiction of the Civil Court is barred under Section 77 (3) of Punjab Tenancy Act and the suit was not maintainable.

Learned counsel for the appellant submits that during the pendency of the execution pending before the revenue Court, a settlement took place in between the parties. Under the settlement, a notice was given to defendants-respondents No.1 and 2 and an application was also moved

before the Assistant Collector to dismiss the execution application but in the meantime, defendants-respondents No.1 and 2 in connivance with defendant-respondent No.3 appeared before the Assistant Collector 1st Grade and got issued warrants of possession which was executed.

On perusal of the paper-book and judgments of both the Courts below it transpires that the jurisdiction with regard to the matter in question vests with the revenue Court. If the warrants of possession had been wrongly executed, the remedy available to the appellant was to approach the appropriate Forum/Court which had issued the warrants of possession or to avail other legal remedy available under law. I find no legal or factual infirmity in the judgments passed by the Courts below calling for any interference.

No substantial question of law requiring determination arises in this appeal, which has no merits. Dismissed.

February 04, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE