

In the High Court of Punjab and Haryana at Chandigarh.

**COCF No.1693 of 2016
Decided on 22.7.2016**

Gagan Dass

--Petitioner

Vs.

Lakhvir Singh and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mrs.Kulwant K.K., Advocate, fo the petitioner

Rakesh Kumar Jain,J: (Oral)

This petition is filed for the alleged disobedience of the decree dated 05.1.2016 drawn by the Civil Court which is as under:-

“Plaintiffs are entitled for decree of declaration to the effect that they are owners in joint possession to the extent of $\frac{3}{4}$ share of agriculture land measuring 26 bighas 15 biswas as detailed in the head note of plaint. Further, they are also owners in joint possession to the extent of $\frac{3}{4}$ share of the agriculture land measuring 9 bighas 19 biswas and the defendant is owner in joint possession to the extent of only $\frac{1}{4}$ share as fully described in the head note of the plaint.

A decree of permanent injunction is also granted restraining the defendant from alienating or transferring more than his $\frac{1}{4}$ share in the suit land”.

Insofar as the first part of the decree is concerned, it is only in regard to declaration. A declaratory decree is not executable because it declares the existing rights of the parties but insofar as the decree for permanent injunction is concerned, it only restrains the defendant from

alienating or transferring more than his share. The decree for permanent injunction is executable under Order 21 Rule 32 of CPC.

Learned counsel for the petitioner has submitted that the present petition has been filed because the respondents are not sanctioning the mutation on the basis of decree. For that matter, the petitioner has the efficacious remedy under the revenue law. But insofar as the present petition is concerned, it is not maintainable.

Dismissed.

22.7.2016
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(Rakesh Kumar Jain)
Judge