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

CR-3820-2007 (O&M)

Date of decision : 25.01.2016

Paramjit Kaur and another

...Petitioners

Versus

Harbans Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. H.S. Sirohi, Advocate
for the Petitioners.

Mr. Ranjit Saini, Advocate
for the respondents.

1. Whether reporters of local papers 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?

AMIT RAWAL, J. (ORAL)

The petitioners-decree holder is aggrieved of the order dated 15.06.2007, where during adjudication of the application for passing of the final decree, petitioners have been called upon to file the relevant revenue record or to adduce the evidence in order to establish the same.

Mr. H.S. Sirohi, learned counsel appearing on behalf of

the petitioners-plaintiffs-decree holder, submits that Hon'ble Supreme Court vide order dated 18.11.1996 passed in **Civil Appeal No.15067 of 1996** titled as **"Parshotam Singh (dead) through LRs V/s Harbans Kaur and another"** held that the property at the hands of Harsukhjit Singh inherited from his mother was ancestral in nature, whereas the property (half share) inherited from Pritam Kaur was self-acquired property. He has also drawn the attention of this Court to the various orders passed by this Court whereby the Executing Court was directed to give symbolic possession of the property which is already held to be in the ownership of the petitioner-plaintiff. Copies of the orders are annexed as Annexures P-3 & P-4 and P-5 is the Roznamcha with regard to the symbolic possession of the property. He submits that the impugned order, in view of the aforementioned facts, is not sustainable as it tantamounts to going behind the decree, much less, the order of the Hon'ble Supreme Court and prays for setting aside the impugned order.

Mr. Ranjit Saini, learned counsel appearing on behalf of the respondent-Judgement Debtor submits that there is no illegality and perversity in the order under challenge as two options have been given to the petitioners-plaintiffs to place on record the revenue record or to adduce the evidence for the purpose of passing/drawing of the final decree and prays for dismissal of the petition.

appraised the paper book.

Once the petitioners-plaintiffs in pursuance to the order passed by this Court in **CR No.1277 of 2002** dated 07.05.2002 given symbolic possession in respect of the property mentioned therein which is reflected in the rapat Roznamcha (Annexure P-5), in my view, the final decree has to be passed in accordance with the same particulars of the khasra number instead of calling upon the petitioners-plaintiffs for placing on record the fresh evidence, much less, revenue record.

In view of the aforementioned observations, the order dated 15.06.2007 is modified and the trial Court is directed to pass the final decree in terms of the rapat Roznamcha (Annexure P-5), whereby the petitioners-plaintiffs have been granted symbolic possession in accordance with law.

With the aforesaid observations, the revision petition is disposed of.

25.01.2016
yogesh

(AMIT RAWAL)
JUDGE