

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2785 of 2016
Date of decision:16.05.2016

Ballu Singh

... Petitioner

Vs.

Kaur Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Tribhawan Singla, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-plaintiff is aggrieved of the dismissal of the execution application filed under Order 21 Rule 32 of the Code of Civil Procedure, for violation of the judgment and decree dated 18.11.1993 in respect of area measuring 99'x55', as per the site plan given in the aforementioned judgment and decree.

Mr. Tribhawan Singla, learned counsel appearing on behalf of the petitioner-plaintiff submits that independent witnesses are to be examined in support of the execution application but the Court disbelieved the aforementioned averment on the premise that aforementioned application tantamount to filling up the lacunae, whereas, the suit was filed with regard to area measuring 44'x10' for

which mandatory injunction was declined, therefore, there is misreading.

I have heard learned counsel for the petitioner-plaintiff and appraised the paper book and in view of fact that onus is on the plaintiff to prove the alleged interference and dispossession, if any, by getting the property demarcated either by appointing the Local Commissioner but not on the basis of the suit as noticed above. In my view, the petitioner has miserably failed to prove on record the alleged violation of the judgment and decree. The finding of the Executing Court vis-a-vis other submission would not be effective owing to dismissal of the execution proceedings as claim of the petitioner is with regard to other piece of land.

In view of the aforementioned observations, I do not find any illegality and perversity in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

May 16, 2016
savita