

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

CR No.4154 of 2016(O&M)

Date of decision:4.7.2016

Gurpreet Singh

....Petitioner

VERSUS

Lachhman Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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. Sunny Singla, Advocate for the petitioner.

REKHA MITTAL, J.

The present petition lays challenge to orders dated 31.05.2016 (Annexure P-4) and dated 10.06.2016 (Annexure P-5) passed by the Courts below whereby the objection petition preferred by the petitioner was dismissed by the executing Court and the appeal preferred against order dated 31.05.2016 came to be dismissed by the Additional District Judge, Patiala.

Counsel for the petitioner has contended that respondents No.5 to 7 filed a suit for permanent injunction in respect of suit land measuring 24 bighas 4 biswas, detailed in head-note of the plaint. In the said suit, respondents No.1 to 4 filed a counter claim qua possession of the said land situated in village Chirwi, Tehsil Dudhan Sadhan, District Patiala. The suit filed by respondents/plaintiffs was dismissed but the counter claim preferred by respondents No.1 to 4 was allowed vide judgment and decree dated 24.01.2013. In pursuance of the said decree,

respondents No.1 to 4 filed an execution application and prayed for issuance of warrant of possession.

The petitioner, who is in peaceful physical possession of land measuring 16 bighas 2 biswas out of suit land measuring 24 bighas 4 biswas, filed an objection petition but the same has been wrongly and illegally dismissed by the Courts below. It is further argued that as per family settlement dated 23.07.2013 arrived at amongst the petitioner and respondents No.5 to 7 along with other family members, the petitioner is entitled to protect his possession over land measuring 16 bighas 2 biswas as the judgment and decree dated 24.01.2013 is not binding against him for want of he being impleaded as a party in the *lis*.

I have heard counsel for the petitioner, perused the paper-book particularly the orders impugned.

Apart from fact that the revision petition is not maintainable against order dated 10.06.2016 passed by the Additional District Judge, Patiala, dismissing the appeal preferred by the petitioner against order dated 31.05.2016 passed by the Civil Judge (Junior Division), Patiala, the present petition sans merit and deserves dismissal.

The petitioner is none else than son of one of the JDs namely Sh. Mohinder Singh. He is claiming his right to possession in regard to land measuring 16 bighas 2 biswas out of suit land on the basis of alleged family settlement dated 23.07.2013 that came into existence subsequent to passing of the judgment and decree dated 24.01.2013. The Courts below have rightly held that the objection petition preferred by the petitioner is nothing but an abuse and misuse of process of law in order to retain possession of suit land by delaying execution of the decree that has

attained finality up to Hon'ble the Supreme Court. As the petitioner does not have any independent right to obstruct execution of the decree passed in favour of respondents No.1 to 4, I do not find any error much less illegality in the consistent findings recorded by the Courts below warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed.

JULY 4, 2016

'D. Gulati'

(REKHA MITTAL)

JUDGE