

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

CR No.4279 of 2016

Date of decision:12.07.2016

Janno and another

....Petitioners

Versus

Municipal Council, Nabha and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

Present: Mr. Sherry K. Singla, Advocate, for the petitioners.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant revision petition has been filed for setting aside the impugned order dated 20.05.2016 (Annexure P-4) passed by learned Addl. Civil Judge (Sr. Division), Nabha whereby objection petition filed by the petitioners in the execution proceedings has been dismissed.

The only objection raised by the learned counsel for the petitioners is that the area of Khasra No. 802 min (16-0) be demarcated and the possession be delivered, thereafter decree be executed accordingly.

I have heard learned counsel for the petitioner.

A specific question was put to the learned counsel for the petitioners as to whether the petitioners have any right in Khasra No. 802 (16-0) which is min. and other part thereof khasra Nos. 774 and 775 which are stated to be more than 2030 kanals and 3 marlas. Learned counsel specifically stated that the petitioners have no concern in this regard. Earlier respondent No. 1 had filed a civil suit for permanent injunction with regard to this very khasra number against Sher Mohammad predecessor in interest of the petitioners

which was decreed. The objections filed by petitioner No.1 are apparently frivolous rather she is filing objection as proxy on behalf of one Faquir Mohammad-petitioner No.2. This court has observed in

Rana Mahajan and another Vs. Shri Purshottam Krishan and others 2014 (2) RCR (civil) 331 as under :--

“17. In **Babu Lal v. Hazari Lal Kishori Lal & Others, (1982) 1 SCC 525**, the Hon'ble Supreme Court observed in para 29 as under:

“Procedure is meant to advance the cause of justice and not to retard it. The difficulty of the decree holder starts in getting possession in pursuance of the decree obtained by him. The judgment debtor tries to thwart the execution by all possible objection....”

18. Further in **Shub Karan Bubna alias Shub Karan Prasad Bubna v. Sita Saran Bubna and Ors., [2009 (4) R.C.R. (Civil) 303: 2009 (5) Recent Apex Judgments (R.A.J.) 534: (2009)9 SCC 689]**, the Hon'ble Supreme Court observed in para 27 as under:

“The proverbial observation by the Privy Council is that the difficulties of a litigant begin when he obtains a decree. It is necessary to remember that success in a suit means nothing to a party unless he gets the relief. Therefore, to be really meaningful and efficient, the scheme of the Code should enable a party not only to get a decree quickly, but also to get the relief quickly. This requires a conceptual change regarding civil litigation, so that the emphasis is not only on disposal of suits, but also on securing relief to the litigant.”

Recent in *Satyawati* (supra) the Hon'ble Supreme Court observed as under:

“17. As stated by us herein above, the position has not been improved till today. We strongly feel that there should not be unreasonable delay in execution of a decree because if the decree holder is unable to enjoy the fruits of his success by getting the decree executed, the entire effort of successful litigant would be in vain.”

19. In view of above, I do not find any illegality or perversity in the impugned orders.”

There is no merit in the present revision.

Dismissed in limine.

12.07.2016
PA

(Paramjeet Singh Dhaliwal)
Judge