

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

CR No.4587 of 2016(O&M)

Date of decision:23.7.2016

Sajjan Singh and others

....Petitioners

VERSUS

Narain Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashok K. Verma, Advocate for the petitioners.

REKHA MITTAL, J.

The present petition lays challenge to order dated 16.05.2016 (Annexure P-12) passed by the Civil Judge (Junior Division) Pataudi, (hereinafter referred to as the 'executing Court') whereby the objections (Annexure P-2) filed by the petitioners have been dismissed.

Narain Singh, the respondent/decreed-holder filed a suit for permanent injunction in respect of land measuring 8 Marlas situated in village Pahari, Tehsil Pataudi, District Gurgaon detailed in para 1 of the grounds of revision. The suit was decreed by the trial Court vide judgment and decree dated 28.07.2010 restraining the petitioners from interfering in possession of the respondent over the property in dispute. The appeal filed by the petitioners did not find favour with the appellate Court. The petitioners remained unsuccessful in RSA No.3981 of 2011 decided by this Court vide judgment dated 10.10.2012.

The respondent filed an execution petition dated 20.07.2013 for implementation of the judgment and decree dated 28.07.2010 and for

restraining the petitioners from interfering in his possession over the property in dispute and further restraining them from raising construction over the property in dispute. Further prayer was made that the decree be got enforced by attachment of their property or detaining them in civil prison.

The petitioners filed the objections challenging maintainability of the execution petition primarily on the ground that the decree holder never pleaded at any stage that possession of the suit property has been snatched by the JD(s) or he has been dispossessed from the suit land during pendency of the proceedings. It is further averred that the decree holder has no right to get possession by demolishing the house of the JD that is existing for the last many years even before the suit was filed.

The objection petition was dismissed by taking into consideration the findings recorded in the judgment passed by the trial Court that has attained finality between the parties whereby claim of the respondent/decreed holder was upheld to the High Court that he is in possession of the suit property. As per settled position in law, the executing Court cannot go beyond the decree. As a decree for injunction has been passed in favour of decree holder, he has the right to get the decree executed in case the JD(s) had given a cause to the decree holder to express his grievance in regard to violation of the decree passed in his favour counsel for the petitioners is not in a position to point out any error much less illegality in the impugned order warranting intervention in exercise of supervisory jurisdiction of this Court. This apart, a litigant who

exhibits disregard to the orders passed by the Court and try to violate a decree that has been tested up to the High Court and has attained finality does not deserve indulgence of this Court in any manner.

For the foregoing reasons, finding no merit, the petition is dismissed in *limine*.

JULY 23, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no