

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

C.R. No.4761 of 2016

Date of Decision.28.07.2016

Jagir Singh

.....Petitioner

Vs.

Najirudeen and others

.....Respondents

Present: Mr. Jarnail Singh Saneta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The petitioner-decree holder is aggrieved of the impugned order dated 14.01.2016 whereby the objection to the report of the local commissioner as well as execution of the judgment and decree dated 07.03.2012 has been dismissed.

Mr. Jarnail Singh Saneta, learned counsel for the petitioner submits that judgment and decree was for handing over the possession of land situated in khasra No.76/16 whereas the Kanungo appointed by the Court in connivance with the judgment debtor wanted to give the possession of khasra No.76/15. The alleged report of Kanungo dated 21.08.2013 was not believed by the Court and accordingly, Mr. H.L. Jangra, Advocate was appointed as local commissioner. Even he had also given incorrect report and therefore, the Executing Court had erroneously dismissed the execution application. He further submits that Annexures P-13 and P-14, site plans, attached with the revision petition are not adhered to and thus, urges this

Court for setting aside of the impugned order by remanding back the matter to the Executing Court.

I have heard learned counsel for the petitioner, appraised the paper book and considered Annexures P-13 and P-14 as well. Learned counsel appearing for the petitioner concedes that Annexures P-13 and P-14, annexed herewith, are not part of the judgment and decree, much less, of the suit. The appointment of the local commissioner i.e. Mr. H.L. Jangra, was not objected to by the decree holder. The report submitted by local commissioner is in consonance with the report of the Kanungo. When the decree-holder has been given possession of khasra No.76/16, he cannot re-agitate the issue by annexing the site plans for the first time in this Court.

I do not find any illegality and perversity in the impugned order passed by the Executing Court, much less, the order cannot be said to be passed without jurisdiction. No ground for interference is made. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

July 28, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No