

**Civil Revision No.5260 of 2016**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Revision No.5260 of 2016  
Date of Decision: August 19, 2016

Kulwinder Singh & another

...Petitioners

Versus

Jumla Malkan Deegar Hakdaraan Araj Hasab Rasad Rakba Khewat,  
Patti Bharaj & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

Present: Mr.Jatinder Singla, Advocate,  
for the petitioners.

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**AMIT RAWAL, J. (Oral)**

Petitioner-judgment debtors are aggrieved of the impugned order dated 12.8.2016, whereby warrant of possession has been ordered to be executed as per the demarcation report dated 22.8.2016 done by the Naib Tehsildar.

Mr.Jatinder Singla, learned counsel for the petitioners submits that the judgment and decree dated 9.2.2012 is in respect of Khasra No.65 (2-15), situated in Patti Bharaj. The respondent-plaintiffs are not successors-in-interest of Sukhdev Singh, who has sold the land

situated in Patti Sunami. Under the garb of the aforementioned judgment and decree, the respondent-decree holders are taking the possession of the land belonging to the petitioners situated in Patti Sunami. He further relies upon two orders Annexures P-9 and P-11 to contend that the identification of the property is still not clear and, therefore, the order with regard to possession of the same cannot be passed.

I have heard the learned counsel for the petitioners and appraised the paper book.

The conceded case before this Court is that the petitioners have purchased the land from Sukhdev Singh. The land is situated in Patti Sunami. The decree is being executed in respect of warrant of possession issued in execution of the judgment and decree dated 9.2.2012 in respect of the subject matter of the property indicated above. The apprehension of the petitioners cannot be redressed here because preceding to the execution of warrant of possession, there has to be an order of attachment. Neither order for warrant of possession has been passed nor there is any averment or affidavit in this regard whether warrant of possession had been issued without complying with the provisions of Order 21 Rule 66 CPC. The property has already been identified by way of warrant of possession, therefore, the apprehension, in my view, of the petitioners is totally misplaced. No ground for

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interference is made out.

Revision petition stands dismissed.

**August 19, 2016**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable:**

**Yes/No**