

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

126

CIVIL REVISION NO. 5863 OF 2016

Date of Decision: September 14, 2016

MILKHA SINGH

-PETITIONER

VS

SAJJAN SINGH

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.K.S.Sidhu, Sr. Advocate with
Mr.G.S.Benipal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed order dated 21.07.2016 passed under Order XXI Rule 32 CPC in execution of a decree for permanent injunction dated 25.01.1999.

In a suit for permanent injunction, trial Court decreed the suit of the respondent Sajjan Singh on 25.01.1999. Judgment debtor remained unsuccessful in appeal and the said judgment and decree had already attained finality. Thereafter, decree holder alleged that the judgment debtor illegally managed the Khasra Girdawari. The land already stood allotted to decree holder on the basis of possession delivered to him and he has already paid the price. Mutation remained to be

sanctioned. On 17.11.2001, decree holder was forcibly dispossessed by the judgment debtor accompanied by armed persons. Standing crop of the decree holder was destroyed. On being informed, police did not take any action.

In execution, restoration of possession was sought for along with mesne profit. Judgment debtor-petitioner claimed his possession since 1993 as per Khasra Girdwaris. The land was subsequently allotted to the judgment debtor by the Provincial Government on 03.09.2009. The plea of judgment debtor being in possession since 1993 was available to him when suit was decreed on 25.01.1999. No such evidence could be proved by the judgment debtor during the main proceedings.

On the last date of hearing, learned counsel for the petitioner pointed out that Regular Second Appeal No.273 of 1997 titled Jarnail Singh vs. Sajjan Singh was pending in this Court involving the same Khasra Girdawari. In the said appeal, interim order was also granted.

Perusal of record of RSA No.273 of 1997 reveals that the said appeal was dismissed as withdrawn on 04.02.2008. Apparently, the petitioner cannot drive any benefit out of the said appeal in which Sajjan Singh-decree holder was a successful party.

In view of facts and circumstances of the case, I do not find any illegality or jurisdictional error in the impugned order

passed by Additional Civil Judge (Sr. Division), Ferozepur.

Accordingly, this revision petition is dismissed.

**(RAJ MOHAN SINGH)
JUDGE**

September 14, 2016

kyoti Y.

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No