

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

Civil Revision No.5940 of 2015
Date of Decision: May 27th, 2016

Pinki

...Petitioner

Versus

Prem & another

...Respondents

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

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?

**Present: Mr.Akshay Jindal, Advocate,
for the petitioner.**

AMIT RAWAL, J. (Oral)

Petitioner-judgment debtor-defendant is aggrieved of the impugned order (Annexure P-4), whereby in a execution petition filed under Order 21 Rule 32 read with Section 151 CPC, judgment and decree dated 14.2.2013 is sought to be executed.

Mr.Akshay Jindal, learned counsel appearing on behalf of the petitioner submits that though the trial Court, on the basis of the evidence, passed the decree of injunction restraining the petitioner-defendant from interfering in the peaceful possession of the plaintiff over

the suit property except for one room in eastern-southern corner as fully detailed in the head note of the plaint and has attained finality, but the fact remains that the petitioner-defendant is in possession of the property. No doubt, the aforementioned decree has attained finality, but there has to be some prima-facie evidence before the Executing Court for the alleged violation. The trial Court straightway has issued the warrant of attachment seeking implementation of the judgment and decree and, thus, urges this Court for setting-aside of the impugned order.

The case set out before the Executing Court at the instance of the respondent-plaintiff is that the judgment and decree dated 14.2.2013 has attained finality and the question of possession has already been debated by the Courts below and, therefore, the petitioner cannot volte-face and take up a new stand with regard to the possession. The judgment and decree have to be honoured and respected.

I have heard the learned counsel for the petitioner and appraised the paper book and of the view that the objection petition at the instance of the petitioner has already been dismissed, for, the judgment and decree has attained finality, thus, there is categoric finding with regard to the possession of the suit property in favour of the respondent-plaintiff. It is too late in a day for the petitioner-judgment debtor to assail the aforementioned findings in the objection petition by taking up the

plea of possession. The judgments and decrees of the Courts below, which have attained finality, have to be honoured and respected and the person, who is bound by the same, cannot be allowed to disrespect the same.

In my view, the order under challenge is perfect, legal and in accordance with law. No ground for interference is made out.

Revision petition stands dismissed.

May 27th, 2016
ramesh

(AMIT RAWAL)
JUDGE