

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

-:-

CR No. 6071 of 2014 (O&M)

Date of Decision: January 18, 2016.

Munshi Ram

..... Petitioner

Versus

Municipal Committee Cheeka

.....Respondent

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Mr. R.K.Malik, Advocate, for the petitioner.

Mr. M.S.Sindhu, Advocate, for the respondent.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.KANNAN J

Sympathy that a party pleads for relief can ill effort to fetter the hands of a Court when there is a decree standing against the judgment debtor. A suit of the decree-holder of possession of suit land along with recovery of mesne profit that has obtained final adjudication upto this Court, is sought to be obstructed but the judgment-debtor that he has put up construction. It should have the benefit of adjudication on title, that cannot be re-agitated by allowing an application under Section 47, when such plea could not brought before decree was passed. The objection given was found as not genuine and Court has allowed for further process in execution.

Learned counsel for the petitioner takes me through two orders of this Court passed on different two stages, one direction of deposit of Rs.1

lac and another deposit of Rs.20,000/-. One lakh of rupees paid by the petitioner was adjusted by the decree-holder towards mesne profit, which the petitioner-judgment-debtor criticises as fraudulent and amount of Rs.20,000/- deposited as per the subsequent directions, the petitioner wants to be treated as legitimising his possession. The contentions are not tenable. The petitioner will have no such exercise undertaken.

There is no merit in the revision and it is dismissed. An amount of Rs.20,000/- already is ordered to be refunded to the petitioner.

January 18, 2016
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(K.KANNAN)
JUDGE