

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

120

CR No. 6580 of 2016

Date of Decision: September 30, 2016

MOHD. YASIN AND ANR

-PETITIONERS

VERSUS

GIAN BHUSHAN THRU LR AND ORS

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.K.S.Dadwal, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Petitioners are aggrieved of the impugned order dated 23.08.2016 passed by Additional District Judge, Sangrur whereby application under Order 41 Rule 5 CPC was dismissed.

A civil suit for possession filed by the respondents-plaintiffs was partly decreed by the Addl. Civil Judge (Senior Division), Malerkotla vide order dated 28.08.2009.

In execution of said decree, petitioners Mohd. Yasin and Yasir Hanif filed objections on the ground that they were the caretaker of Masjid Railway Station, Malerkotla. They prayed for recalling of warrants of possession and for appointment of competent revenue officer as Local Commissioner for demarcating the property and stay execution of the proceedings.

Evidently, the suit land was comprised in Khasra No.1898 and 1899. The contention of the petitioners was that these two Khasra numbers were never in existence, rather the decree holder intended to grab the property falling in Khasra No.1901 belonging to

Wakf property.

Petitioners contended that objections being third party objections are to be decided by way of following proper procedure. The Executing Court recorded that suit land was comprised in Khasra No.1898 and 1899 for which warrants of possession were issued. The Executing Court was required to execute the decree as per the description of the suit land given in the decree which was strictly in terms of Khasra No.1898 and 1899.

Even otherwise, it was duty of the Court to see that suit property is delivered in execution of the decree as per correct dimensions. I am not in agreement with learned counsel for the petitioner in saying that under the garb of Khasra No.1898 and 1899, Wakf property, Khasra No.1901 is going to be grabbed. The Executing Court shall ensure proper delivery of possession of the suit land after determination of identity of the suit property with the process of the revenue official.

With the aforesaid observations, the present revision petition is dismissed. However, the Appellate Court shall decide the appeal in accordance with law.

(RAJ MOHAN SINGH)
JUDGE

September 30, 2016

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No