

In the High Court of Punjab and Haryana at Chandigarh

129

CR No. 6988 of 2016

Date of decision: 20.10.2016

MALKIAT SINGH THR LR

.....petitioners

Versus

PARDEEP KUMAR AND ANR

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Deepak Arora, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J.(oral)

Petitioner has assailed order dated 11.5.2016 passed by the Additional Civil Judge (Sr.Divn.) Gurdaspur, vide which decree of counter claim is being executed.

Evidently, plaintiff filed a suit for permanent injunction. In the said suit, defendants set up a counter claim on the basis of their ownership. Trial Court held that the possession of the plaintiff was established, but the ownership of the defendants was also established. Trial Court decreed the suit of the plaintiff to the effect that he can only be dispossessed in due course of law. At the same time, counter claim was also decreed to the effect that defendant can take possession of the land in due course of law. In execution of counter claim,

impugned order has been passed. Admittedly, judgment and decree dated 27.7.2010 had attained finality, wherein counter claim filed by the defendants was decreed, holding them to be entitled for possession from the plaintiff in due course of law.

In my considered opinion, there cannot be any other mechanism under due course of law to take possession from the plaintiff except the execution in question. There is no ambiguity in the order passed by the trial Court.

This revision petition is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

October 20, 2016

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