

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

CR No. 1081 of 2015 (O&M)

Date of Decision: 08.11.2017

JOGINDER RAM

-PETITIONER

VS

MOHINDER RAM AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Sukhpreet Kaur, Advocate,
for the petitioner.

Mr. K.S. Dhanora, Advocate,
for the respondents.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Petitioner has assailed the order dated 22.09.2014 passed by Civil Judge (Junior Division), Phagwara whereby application under Order 21 Rule 32 CPC filed by the petitioner-decree holder was dismissed.

[2]. Violation of civil court decree dated 09.11.2000 has been alleged on the ground that area of Khasra No.34 is 3 Kanals 4 Marlas in which entitlement of the petitioner is 1 Kanal 10 Marlas.

[3]. During cross-examination of applicant-petitioner, he has admitted that there was no demarcation report in respect of allocation of defined area to the petitioner on account of any

family settlement or partition nor any evidence has been led in respect of alleged violation viz time, month and year of said violation by the judgment debtor.

[4]. As per para no.12 of the judgment and decree, the decree holder is not owner of area of Khasra No.47, rather the judgment debtor being a close collateral is also owner/co-sharer in Khasra No.47. In the absence of any demarcation, it cannot be culled out as to whether the judgment debtor who is also co-sharer in the joint land has committed any overt act in terms of violation of the decree in favour of the decree holder.

[5]. In my considered opinion, the findings recorded by the trial Court while dismissing the application under Order 21 Rule 32 CPC cannot be faulted with nor any error of jurisdiction has been committed by the trial Court.

[6]. This revision petition is totally bereft of merits and the same is, accordingly, dismissed.

08.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No