

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

CR No.1059 of 2017 (O&M).

Date of Decision: 03.05.2017.

Dwarka Dass

....Petitioner.

VERSUS

Prem Chand and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sarbjit Singh Khaira, Advocate for the petitioner.

SNEH PRASHAR, J.

Assailing the order dated 12.08.2016 passed by learned Civil Judge (Junior Division), Gurdaspur by virtue of which the objections filed by the petitioner were dismissed, the instant revision petition under Article 227 of the Constitution of India has been filed.

As the matter was opened for argument, Mr. Narinder Kumar Vadehra, Advocate appeared on behalf of respondent No.1 and filed his Power of Attorney which is taken on record.

The submissions made by Mr. Sarbjit Singh Khaira, learned counsel representing the petitioner and Mr. Narinder Kumar Vadehra, learned counsel representing respondent No.1 have been heard.

Learned counsel for the petitioner argues that a civil suit filed by the respondent-decree holder on the same facts and with regard to the same property was dismissed by trial Court and the appeal preferred against the same was also dismissed by first appellate Court. Other civil suits filed by the decree holder against L.Rs. of Thuru Ram and one Amar Nath were

dismissed by the Civil Court and therefore, the instant suit also deserved to be dismissed. Petitioner Dwarka Dass is in cultivating possession of the suit land. The entry in the Khasra Girdawaries have also been corrected in his name by A.C. IInd Grade, Gurdaspur and therefore, the respondent-decree holder has no right, title or interest in the suit land.

Learned counsel for respondent No.1 submits that the decree dated 28.05.1996 passed in favour of the respondent by learned trial court was challenged by the petitioner by filing appeal which was dismissed and the regular second appeal filed by him was also dismissed by this Court. The decree passed in favour of the respondent has no connection with the judgments and decrees passed in other civil suits referred to by the petitioner. The land in question is also different from the land involved in those suits.

Though no document has been produced by the petitioner to support his contention with regard to the judgments and decrees passed in other suits, but even if it is accepted for the sake of argument that the said suits were filed by the respondent-decree holder and were dismissed, yet the fact will remain that the judgment and decree passed in favour of the respondent-decree holder was upheld in the first appeal as well as in the regular second appeal filed by the petitioner. When the decree had become final between the parties, the objection petition filed by the petitioner deserved outright dismissal. The decree in favour of the respondent-decree holder is to be executed qua the suit property which was subject matter of the suit and as submitted by learned counsel for respondent No.1, the suit property was duly identified in the decree by mentioning its Khasra numbers and it is in respect of the same that the execution had been filed.

Thus, there being no illegality, perversity or jurisdictional error warranting interference in the order of learned trial Court, the petition is hereby dismissed.

(SNEH PRASHAR)
JUDGE

03.05.2017.
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No