

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

125

CR No.2078 of 2017 (O & M)
Date of Decision:14.12.2017

Chiman Singh and others

...Petitioners

Versus

Surjit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. C.M. Munjal, Advocate
for the petitioners.

Mr. Raman Goklaney, Advocate
for respondent No.1.

Mr. Harpal Singh, Advocate
for respondent No.2-through his LRs.

ANIL KSHETARPAL, J.(Oral)

Judgments-debtors are in revision petition against the order dated 28.02.2017 dismissing the objections filed by the petitioners/judgments-debtors.

Learned counsel for the petitioners has contended that in fact, there is no decree for possession in favour of the plaintiff. He submits that the Court had not granted the relief of possession. With the help of the counsel, I have seen the decree-sheet. Prayer made in the suit is extracted as under:

“Civil suit for the decree of declaration that the plaintiff is the owner of the land measuring 17(8-0) 24(8-0) 25(8-0) Rect. No.50, Killa No.17, (8-0) 24(8-0) 25(8-0) Rect. No.50, Killa No.5(8-0) as per the jamabandi for the year 2000-2001 situated in the

revenue estate of village Mare Kalan. Teh.JBD (West) Distt.FZR and the reports No.353m dt, 18.3.1988, 361 dt. 23.3.1988 and report No.364 dt. 24.3.1988 are null and void and not biding upon the rights of the plaintiff with consequential relief of possession of the land in dispute on the basis of oral and documentary evidence of all sorts.”

The decree as framed originally reads as under:-

“The suit is coming on 13.11.2010 for final disposal before me (Rupinder Singh CJ Jr. Divn.) FZR in the presence of Sh.J.S. Sodhi, Advocate counsel for the plaintiff and defendants exparte.

In the order that the suit of the plaintiff succeeds and the same is hereby decreed exparte with cost”

It is further not in dispute that later on an application for clarification was moved and the judgment was clarified, which reads as under:-

“ So in view of the facts and circumstances of the case, it is clear that the plaintiff is owner of the land measuring 32 kanal as fully detailed and described in the head note of the plaint and rapat no.353 Dt.18.3.1988, no.361 dt.23.3.1998 abd Rapat no.364 dt.24.3.1988 are null and void and not binding upon the rights of the plaintiffs. It is also clear from the documents produced by the plaintiff that the mutation no.1038 and 1039 have not been sanctioned in favour of

the defendants till today. It is also clear from the documents as well as evidence led by the plaintiff that the plaintiffs are entitled for possession of the land in question. No evidence has been led by the defendant, so the evidence led by the plaintiff as well as contents mentioned in the plaint deemed to be admitted. So, in view of above said discussion, this court is of the opinion that the plaintiff has succeed to prove his case by oral and documentary evidence. Accordingly, these issues are decided in favour of the plaintiffs and against the defendants.”

In view of the aforesaid, there is no doubt that there is a decree for possession in favour of the plaintiff, which is required to be executed.

Hence, this revision petition is dismissed.

14.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No