

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5116 of 2016 (O&M)
Date of Order: 30.11.2017

Lakshman Singh

..Petitioner

Versus

Anant Ram and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.B.Aggarwal, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

It is a classical case where the process of Court is abused by some unscrupulous litigants.

Learned Executing Court has gone into detail and found out that the petitioner has been litigating in the Court without any right, title or interest in the property.

Admitted facts are that Anant Ram, Sadhu and Guddu were co-owners in a khewat. Sadhu and Guddu sold their share in favour of one Lakshman Singh, i.e. the petitioner on 26.06.1986. Anant Ram filed a suit for possession by way of pre-emption seeking to pre-empt the sale deed dated 26.06.1986 in favour of Lakshman Singh . The aforesaid suit filed by Anant Ram was decreed on 13.09.1989. Lakshman Singh filed an appeal, which was also dismissed vide order dated 12.08.1993.

Since the property was a joint property, therefore, symbolic possession of the land was given to Anant Ram leaving the parties to seek actual physical possession by way of partition of the property. Lakshman Singh without their being any decree in his favour filed an application

seeking restoration of possession under Order 21 Rule 32 of the Code of Civil Procedure . The learned Civil Judge (Sr. Division) passed an order to that effect.

Ultimately the Executing Court re-examined the entire matter after matter was sent back by this Court and held that there is no decree in favour of Lakshman Singh-petitioner and he is not entitled to possession of the property. It has been held that Lakshman Singh after having lost in a suit filed by Anant Ram has left with no right, title or interest in the property. It is further significant to note here that Lakshman Singh also filed a separate suit for possession against Anant Ram which was dismissed on 22.01.2000.

I have heard counsel for the petitioner at length.

Learned counsel for the petitioner has submitted that the order dated 26.11.1997 directing delivery of possession has to be implemented. This order was passed by the Court as noticed earlier under a wrong impression. Once there is no decree in favour of Lakshman Singh, there is no question of restoration of possession in favour of Lakshman Singh.

Learned counsel for the petitioner could not point out any substantive error in the impugned order passed by the Court.

The revision petition is dismissed.

November 30, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No