

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4879 of 2017 (O&M)
Date of Order:03.08.2017

Surender and others

..Petitioners

Versus

Rajender

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamal Mor, Advocate,
for the petitioners.

ANIL KSHETARPAL, J(Oral)

C.M.No.16325-CII of 2017

Allowed as prayed for.

Photocopy of judgment dated 26.09.2013, Annexure P-6, is
taken on record.

Civil Revision No.4879 of 2017

Judgment Debtors-petitioners have filed the present revision
petition, under Article 227 of the Constitution of India, against order dated
03.07.2017, dismissing their objections.

Learned Civil Judge (Jr. Division), Gurgaon, vide judgment and
decree dated 26.09.2013, decreed the suit for mandatory injunction against
judgment debtors directing them to remove construction over plot marked
by letters "ABCDEF" shown in red colour in the site plan, Ex.P1 and hand
over peaceful vacant possession to the plaintiff within a period of two
months from the date of judgment.

A reading of the judgment would show that identity of the

property, in dispute was never disputed by the defendants during the course of the trial of the suit. Now for the first time, in execution petition, the objections had been taken that since the property is not identifiable through survey number or khasra number, therefore, the decree is not executable.

Learned Executing Court dismissed the application, finding no merit in it.

I have heard counsel for the petitioners at length and with his able assistance gone through the record.

A reading of the plaint would show that the property was described/identified with boundaries and marked with the letters “ABCDEF” shown in red colour in the lay out plan. The plot is situated in the village abadi and there was no dispute about identification of property.

Since the decree has been passed, now the petitioners-judgment debtors cannot be permitted to raise an argument that since khasra numbers has not been given, therefore, execution is not maintainable. In abadi, usually the land is not assigned any separate khasra number. The property in abadi is identified by boundaries and measurements. In this case, the plaintiff while filing the suit had given the details of property situated on all four sides to identify the property, in dispute, which is extracted as under:-

“East :	House of Dharampal, Khushi Ram, him Singh etc.
West :	Property of Bhaley Ram
North :	Rasta
South :	Plot of defendants”

Taking into consideration the facts and circumstances, I do not find any reason to hold that the decree is not executable. There is no reason

to interfere in the order passed by the learned Executing Court.

Therefore, the revision petition is ordered to be dismissed.

August 03, 2017
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(ANIL KSHETARPAL)
JUDGE

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