

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5826 of 2017 (O&M)
Date of Decision: 30.10.2017

Sukhwant Singh and others

.....Petitioners

Vs.

Anoop Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vikas Mehsempuri, Advocate, for the petitioners.

RITU BAHRI, J. (ORAL)

The revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 28.10.2016 (Annexure P-5), whereby, the suit of the respondents has been decreed under Section 6 of the Specific Relief Act.

Learned counsel for the petitioners however informed the Court that there is no appeal has been filed against the judgment and decree.

Brief facts of the case of plaintiffs/respondents as alleged are that the plaintiffs/respondents were permanent residents of village Shutana and earlier they were having joint khata of land with the defendants. The land was partitioned and suit land fell into the share of plaintiffs and sanad taksim was issued by the revenue authorities and accordingly the plaintiffs were put into possessed of the suit and the plaintiffs were owner of the suit land and they were actual, physical and cultivating possession of the suit land and resultantly the the suit for permanent injunction against the defendants and the same was decreed vide judgment and decree dated 25.09.2013. The defendants/petitioners were in unauthorized possession of the suit land. The present suit under Section

stating that on 10.06.2014, the defendants had forcibly dispossessed the plaintiffs from the suit land.

A perusal of the impugned order shows that the plaintiffs had also moved an application before the office of SSP, Patiala, but the police did not take any action. It has been further observed that in the cross-examination of PW-1-Sewa Singh had deposed that on the night of 10.06.2014, defendants forcibly dispossess the plaintiffs of the suit land. The suit of the plaintiff was filed within 6 months from dispossession and once the possession of the plaintiff had been examined by the Court vide passing the judgment and decree dated 25.09.2013 Ex.P3 and Ex.P4 the suit of the plaintiffs has been rightly decreed and defendants had been given direction to vacate the possession of the suit land to the plaintiffs.

So in the light of the discussion, the orders of the trial Court dated 28.10.2016 does not reflect any material irregularity or perversity which warranting interference. Hence the present revision stands dismissed.

(RITU BAHRI)
JUDGE

30.10.2017
anil

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