

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.No. 6023-2017 (O&M)

Date of decision:- 07.09.2017

Gurcharan Singh

...Petitioner

Versus

Ram Avtar and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Anoop Singla, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside order dated 16.04.2015 (Annexure P-2) passed by the learned Civil Judge, Sr. Divn, Faridkot whereby the stay application filed by the respondents/Decree Holders has been allowed in Execution Application No. 116 dated 07.09.2013.

The petitioner filed a suit for declaration against the respondents and the respondents filed counter claim for possession of property bearing Khasra No. 1101(0-12). The suit of the petitioner was dismissed and the counter claim of the respondents was decreed. The appeal preferred by the petitioner against the above said judgment was also dismissed on 20.11.2012 and the respondents thereafter, filed execution proceedings for issuing warrant of possession, in view of the judgment and decree passed by the Courts below.

The respondents along with execution application, filed an application for restraining the petitioner from alienating the decretal property in any manner. The said application was allowed, vide impugned

order dated 16.04.2015 (Anneuxre P-2). Petitioner preferred an appeal against this order, which was also dismissed on 12.07.2017 (Annexure P-3).

The grievance of the petitioner is that some portion of the suit property vests in Khasa No. 1102 and there cannot be any stay on the property located in Khasra No. 1102. This aspect has been considered rightly by the Courts below while dismissing the suit of the petitioner. There is no reference of this Khasra No. 1102 and the respondents had been held entitled to Khasra No. 1101.

In view of the above discussion, no ground is made out to interfere in the impugned order.

The petition stands dismissed being devoid of any merit.

September 07, 2017
G Arora

(*RITU BAHRI*)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No