

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6074 of 2017 (O&M)
Date of decision: 08.09.2017

Major Singh and others

... Petitioners

Vs.

Harnek Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. G.L. Bajaj, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present civil revision petition, at the hands of petitioners, filed under Article 227 of the Constitution of India, is directed against the order dated 16.08.2017 (Annexure P-5) passed by the learned executing Court, whereby objections raised by the petitioners were dismissed and warrants of possession were issued against them.

Heard learned counsel for the petitioners.

Admittedly, the parties arrived at a compromise vide Ex.CX before the learned Lok Adalat No.4 at Sri Muktsar Sahib on 22.03.2003. In the said compromise, petitioners undertook to hand over the possession to the decree-holders, after getting it vacated from Paramjit Singh @ Pamma. Said Paramjit Singh, who was in possession at that point of time, also made a statement that possession shall be handed over on or before 30.04.2003. However, despite having been put the same question repeatedly to learned

counsel for the petitioners to show any document, whereby the petitioners might have handed over the possession to the decree-holders after 22.03.2003, he had no answer and rightly so, it being a matter of record.

It seems that the petitioners are trying to misuse the process of law to its maximum, because of their malafide intention to retain the possession as long as they can. Neither they are honouring the compromise Ex.CX nor they are intending to comply with the specific directions issued by the Court, as if they are above the law. Such litigants, who have been found to be playing with the system, do not deserve any sympathy from this Court as well. It is so said because once the petitioners entered into the compromise without any pressure from any side, they were bound by the terms and conditions of said compromise, even if some of the conditions were found onerous at a later point of time. If the petitioners are permitted to back out from the compromise at this stage, after lapse of more than 14 years, it would be an unending litigation between the parties. Having said that, this Court feels no hesitation to conclude that the learned executing Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

The impugned order has been found based on very sound reasons. The operative part of the impugned order contained in paras 6 and 7 thereof, which deserves to be noticed here, reads as under: -

“Upon hearing the contentions raised by both the learned counsel for the parties and going through the record on file, I find Harnek Singh and others Versus Major Singh and others that The Dhaipai Cooperative Scheduled Caste Land Owning Society

Ltd Dhaipai, registered under Punjab Cooperative Societies Act, 1961, is owner of some of the property and the applicants-DH Harnek Singh and Simarjit Singh are not members of said society. There are residential houses in khasra No.575, 577, which are in occupation of several members of society and there is no dispute regarding khasra No.575. As regard the jurisdiction of this Court to hear and try the present execution application, perusal of the record shows that on 22.03.2003, a Mega Lok Adalat was held at Sri Muktsar Sahib, where the order was passed. However, the property in dispute was situated in Faridkot and as such, the Court at Faridkot has jurisdiction to hear and try the present execution application. Furthermore, said compromise decree was passed with the consent of both the parties i.e. DH-applicants as well as JD-respondents, as the compromise Ex.CX was effected before the Lok Adalat No.4, Sri Muktsar Sahib on 22.03.2003. The present objection-petition filed by JDs are mere to delay the proceedings of execution. Perusal of copy of jamabandi for the year 2002-2003 shows that the property bearing khasra No.571 (5-7), 574 (2-0), 576 (2-0), 573 (4-8), 567 (5-13), 570 (6-0), 576 (2-2), 577 (2-0), 577 (4-17) belong to Punjab Government. Neither The Dhaipai Cooperative Scheduled Caste Land Owning Society Ltd. Dhaipai was party to compromise Ex.CX nor any dispute was with DH and JD with the society.

In view of whole above discussion, I am of the considered

view that there is absolutely no merit in the objection-petitions and hence, both the objection-petitioners i.e. one filed on behalf of The Dhaipai Cooperative Scheduled Caste Land Owning Society Ltd. Dhaipai through its President and other filed on behalf of JD-respondents, are hereby dismissed.”

During the course of hearing, learned counsel for the petitioners could not point out patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order passed by the learned trial Court has been found based on sound reasons and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since no illegality or perversity has been found in the impugned order, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

08.09.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No