

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.6132 of 2017
Date of decision : 12.09.2017

Rajbir Singh

...Petitioner

Versus

Ved Parkash

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bikram Chaudhary, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Judgment Debtor is in revision petition against the dismissal of the objections.

It is admitted position on record that in the civil litigation, Ved Parkash was declared to be the owner in possession of the suit property. That decree was upheld upto the High Court. Decree Holder thereafter filed an application for execution of the aforesaid decree on the ground that Judgment Debtor has forcibly dispossessed him.

It is not in dispute that while deciding the suit, Judgment Debtor was restrained from interfering in the possession of Ved Parkash. This finding has attained finality. In wake of this finding, the Judgment Debtor cannot be permitted to take a plea that he is in possession of the property much before the filing of the suit. This was the stand which Judgment Debtor took while contesting the suit, however he failed to

establish. Once the Judgment Debtor failed in the main litigation and a finding of fact was arrived at that Judgment Debtor was not in possession at the time of decision of the case. Therefore, the only conclusion which can be arrived at is that the Judgment Debtor has entered into possession subsequently. Hence, the Executing Court has issued warrants of possession.

I do not find any good ground to interfere with the order passed by the Executing Court.

Revision petition is dismissed.

12.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No