

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

-.-

CR 6925 of 2017

Date of decision: 15.11.2017

Jaat Sabha

..... Petitioner

Versus

Jagdish Chand and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Mahavir Sandhu, Advocate
for the petitioner

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Rekha Mittal, J.

The present petition directs challenge against order dated 27.09.2017 (Annexure P6) passed by the Executing Court at Kurukshetra whereby the objections filed by the petitioner-Judgment Debtor were dismissed.

The sole submission made by counsel for the petitioner is that as the land in question is owned by Jumla Malkan Wa Digar Haqdarani as is evident from the revenue records, the execution is not maintainable and liable to be dismissed.

I have heard counsel for the petitioner and perused the paper book particularly the order impugned.

Thakur Dawara Nabh Kamal Mandir Darra Khera, Thansesar, District Kurukshetra and others filed suit for possession and permanent injunction with the plea that suit land is owned by the Thakur Dawara and

defendants No. 2 and 3 have leased out the suit land to defendant No. 1 vide registered lease deed dated 17.06.1999 and the said act of defendants No. 2 and 3 is against the interest of Mandir in question. The suit was decreed by the Civil Judge (Junior Division), Kurukshetra vide judgment and decree dated 18.01.2014. The petitioner has sought to challenge competency of the decree holder to execute the decree by raising a plea that the suit land belongs to proprietary body as it has been recorded as Jumla Malkan Wa Digar Haqdarani Hasab Rasad Rakba in the revenue record. Any such plea could be raised by the petitioner during pendency of the suit and if so raised but did not find favour with the Court, it is not allowed to be raised much less accepted during execution proceedings as the executing Court cannot go beyond the decree. This apart, a lessee cannot raise an issue with regard to title of the lessor either in proceedings for eviction or possession. In this view of the matter, I do not find any error much less illegality in the order impugned, warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

15.11.2017
mohan bimbira

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