

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 7005 of 2017 (O&M)
Date of decision:- 09.10.2017

Karnail Singh

...Petitioner

Versus

Smt. Amro Devi and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.S. Chhokar, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside orders dated 03.07.2017 and 02.08.2017 passed by learned Civil Judge, Sr. Division, Kurukshetra.

A bare perusal of the impugned orders shows that respondents filed an application for grant of police protection to them, as the judgment debtors were disturbing the peaceful possession of Amro Devi. The judgment and decree dated 06.12.2016 was passed in her favour. Since the petitioner was in possession of the suit property, Amro Devi was directed to implead him as a party in the execution petition. Thereafter, she impleaded the petitioner as party in the execution proceedings and thereafter, petitioner filed an objection/reply in the execution petition, but the trial Court dismissed the objections on the ground that vide judgment and decree dated 06.12.2016, suit for permanent injunction of Amro Devi has been decreed in her favour. It has been specifically held that rectangle No. 14 khasra No. 9 min, 14 situated at village Govind Majra. She has been held to be in exclusive possession to the exclusion of other co-sharers.

Learned counsel for the petitioner submits that the petitioner has also filed an application for correction in the khasra number, which is pending before the Collector since 28.11.2014 and the plaintiff was having the knowledge about the said proceedings.

This argument is liable to be dismissed, as the petitioner was found to be in exclusive possession of the suit property and thus, he has rightly been impleaded as party in the suit and his objections have rightly been dismissed.

Orders dated 03.07.2017 and 02.08.2017 passed by learned Civil Judge, Sr. Division, Kurukshetra. does not require any interference by this Court.

The petition is dismissed.

October 09, 2017
G Arora

(***RITU BAHRI***)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No