

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

CR No.7007 of 2017

Date of decision : 10.10.2017

Balbir Singh

...Petitioner

Versus

Navneet Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gourav Jain, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The Judgment Debtor is in revision petition against the order dated 06.07.2017 dismissing the objections filed by the Judgment Debtor.

The Decree Holder filed a suit for possession by claiming following relief:-

“Suit for possession on the basis of title in respect of plot marked as ABCDEFG in the rough site plan of Khasra No.1838 (1-0) bounded as in the east marked as ABC-39 feet, in the west: 39 feet, in the north marked as AD-2 feet, BF 6 feet and in the south marked as CG-6 feet, situated at Village Bhuna Tehsil and District Fatehabad, over which the defendant has illegally constructed the wall, of which the plaintiff and performa defendant are owners. On the basis of oral and documentary evidence of every description.”

The suit filed by the plaintiff was decreed by the Court and it was ordered as under:-

“It is ordered that suit of the plaintiff succeeds and the same is, hereby, decreed. The defendant is directed to remove his unlawful and illegal construction and to hand over the vacant possession of the suit land to the plaintiff and proforma defendant within a period of one month from the day of passing of this judgment. Parties are left to bear their own cost.”

Defendant No.1 in the suit, is the petitioner before this Court. It is being asserted that the suit land is joint between the parties and, therefore, the Decree Holder must seek partition by filing appropriate proceedings for partition of the property.

It is well settled that the Executing Court cannot go behind the decree. A decree is for possession with respect to specific plot marked by letters A B C D E F G. A decree between the parties has become final. The Executing Court is bound to execute the decree in accordance with the judgment and decree passed by the trial Court. Defendant No.1 who is a Judgment Debtor is bound by the decree.

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

Revision petition is dismissed.

10.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No