

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

CR No. 8053 of 2017

Date of Decision: 29.11.2017

SHAM LAL THROUGH LR

-PETITIONER

VS

DAYA KISHAN THROUGH LR AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj Sharma, Advocate, for
Mr. Sunil Polist, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Petitioner has assailed the order dated 07.10.2017 passed in execution No.67 of 2014 titled Daya Kishan vs Rameshwar Dass and others vide which objections filed by one of the legal representative of judgment debtor Sham Lal i.e. the petitioner have been dismissed.

[2]. The suit filed by the decree holder for possession of the house was decreed on 22.08.2007. The said judgment and decree of the trial Court was upheld by the lower Appellate Court on 04.08.2009.

[3]. Regular Second Appeal No.3400 of 2009 filed by the judgment debtor was dismissed on 27.08.2013. In execution of the decree, the petitioner seeks to obstruct delivery of

possession on the ground that a suit for permanent injunction filed by him is pending consideration before the trial Court.

[4]. The pleas available to the petitioner herein were infact taken during the main proceedings and the stand taken by the judgment debtor was negated with reference to evidence. The Executing Court cannot go beyond the decree. The decree passed in Regular Second Appeal No.3400 of 2009 has already attained finality.

[5]. No ground is made out to interfere in the present revision petition.

[6]. This revision petition is, accordingly, dismissed.

29.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No