

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

CR No.8177 of 2017
Date of decision : 01.12.2017

Attar Singh and others

...Petitioners

Versus

Chand Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Rathee, Advocate for the petitioners.

ANIL KSHETARPAL, J.

The Judgment Debtors are in revision petition against the order dated 01.11.2017 passed by the Executing Court.

It is not in dispute that Chand Kaur, Decree Holder filed a suit for declaration, possession and permanent injunction. The aforesaid suit was decreed on 19.04.2012. The operative part of the decree, reads as under:-

“It is ordered that the suit filed by the plaintiff and the same is hereby decreed with costs. The impugned Will No.286 dated 21.2.1971 and the mutation No.2134 dated 8.7.1994 are illegal, null and void and same are hereby set aside. The plaintiff is the owner of the disputed property. The subsequent entries in the revenue record on the basis of the abovesaid mutation are ordered to corrected accordingly in favour of the plaintiff. The defendants are directed to handover the possession of the suit property to the plaintiff within three months from today.”

The Decree Holder had filed an execution petition on 03.08.2013. A number of objections were filed by the Objectors as well as by the third parties. All the objections were dismissed by the learned Executing Court after considering all aspects of the matter.

I have heard the learned counsel for the petitioners at length.

Learned counsel for the petitioners has submitted that the property is a part of the joint khewat and, therefore, possession cannot be delivered to the Decree Holder. A look at the decree would show that the decree for possession has been passed of specific land identified by khasra numbers. The suit was decreed as prayed for. The prayer made in the suit was for delivery of possession of the following land:-

“It is further prayed that a decree for possession of the suit land comprised in Khewat No.52/50 Khata No.27 Rect. and Killa No.12/19(8-0) as per jamabandi for the year 1990-91 and also in the lands khewat No.77/74 Khata No.150 Rect. and Killa No.28//6/2 (2-3), 15/1(5-2) total measuring 7 kanals 5 marlas situated within the revenue estate of Village Sewli, Tehsil and District Sonapat be passed with costs in favour of the plaintiff and against the defendants.”

In view of the fact that the decree for possession is with respect to specific land comprised in khasra numbers/killa numbers, therefore, there is no substance in the argument of the learned counsel for the petitioner.

In view thereof, revision petition is dismissed.

01.12.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**