

It was during the execution that JDs filed objections, stating that under the garb of said judgment and decree, decree-holders want to take possession of the suit property and a suit for declaration and permanent injunction, titled as *Pehlad Versus Rajbir etc.* is pending in the Court of Additional Civil Judge (Senior Division), Hathin. The objections were dismissed by trial Court. The learned Additional District Judge, Palwal, dismissed the appeal, vide order dated 21.12.2017 (Annexure-P-5).

CR No. 1114 of 2018 (O/M)

Heard.

I am of the view that trial Court is required to execute the decree faithfully. The Executing Court cannot go behind the decree.

The learned counsel for petitioner alleges some compromise before passing of the decree. It is alleged that some facts were concealed from the lower Court. All these facts are not to be seen while executing the decree. Present petitioner has already filed an application under Order IX Rule 13 CPC, 1908, which is pending before learned Additional Civil Judge (Senior Division), Hathin, in which he has failed to obtain the stay order. It being so, there is no illegality or infirmity in the orders of Courts below in executing the decree which holds good till date. Consequently, instant revision is dismissed.

(KULDIP SINGH)
JUDGE

19.2.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No