

Civil Revision No.2460 of 2018

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

Civil Revision No.2460 of 2018

Date of decision: 19.04.2018

Tarsem Singh

.....Petitioner

versus

Gurmej Singh through his legal heirs

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. C.L. Sharma, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, challenge has been laid to order dated 12.04.2018 of the Executing Court.

In nutshell, predecessor of the respondents obtained a decree for possession on 18.10.1983 i.e. about 35 years back against the petitioner, which attained finality after a long battle. In execution proceedings initiated by the respondents, petitioner moved an application for demarcation and identification of the suit land, which has been dismissed vide impugned order.

Learned counsel *inter alia* contends that identity of the suit property is not established. Under the garb of the civil Court judgment and decree, respondents-plaintiff intentionally and illegally want to get demolished the house of the petitioner, which is constructed beyond the area of the suit property. Therefore, it is very much necessary to appoint some revenue official to demarcate the suit property for taking possession. In case, no revenue official is appointed for demarcation of the suit land before

the execution of the judgment and decree, in that eventuality, the petitioner

Civil Revision No.2460 of 2018

would suffer irreparable loss.

Having given considerable thought to the submissions made by learned counsel for the petitioner, this Court finds no merit in this revision for the reasons to follow.

It is evident that petitioner is unauthorisedly enjoying possession over the suit property since last about 35 years. Even after elapsing of 35 years, petitioner wants to scuttle the rights of the respondent-decree-holder by adopting all illegal means, including filing of frivolous objections time and again or otherwise, despite the fact that his objections under Section 47 CPC were dismissed around eighteen years back in the year 2000 by the Executing Court.

The Executing Court has specifically observed that there is no necessity for carrying out any demarcation of the suit property in view of the fact that the same is easily identifiable by virtue of the boundaries and description mentioned in the site plan. Learned counsel for the petitioner has not been able to convince this Court as to how the property is not identifiable, inasmuch as the possession of the suit property will be delivered to the respondents-decree-holder in accordance with the site plan (Annexure P-1) annexed with the petition.

I have gone through the impugned order and find no illegality or perversity in the same.

Dismissed.

April 19, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.