

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

**C.R. No.4109 of 2008 (O&M)
Date of Decision.17.11.2018**

Smt. Maya Devi and others

.....Petitioners

Vs

Shashi Parkash Puri and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Dr. Surya Parkash, Advocate
for the petitioners.

Mr. Rajinder Goyal, Advocate
for respondent No.5.

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AMIT RAWAL J. (ORAL)

The present revision petition is directed against the order dated 09.05.2008 whereby the application for taking up the execution petition seeking execution of the judgment and decree dated 3.9.1998, has been dismissed.

The case has a little chequered history. Petitioners-plaintiffs instituted the suit claiming declaration of having become owner under the provisions of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953 along with injunction.

On the preponderance of evidence, the trial court decreed the suit in part by granting injunction and relief of declaration was rejected. Since both the parties aggrieved of the judgment and decree, two appeals were preferred before the lower Appellate Court. Both the appeals were dismissed and the matter reached to this Court. This Court remanded the matter to the lower Appellate Court.

In the interregnum, compromise alleged to have been entered into

between the parties whereby the decree holder of the injunction decree agreed to part with possession of the property in favour of the respondents herein. Even the ownership of the property had taken place and new vendee was substituted as per the provisions of Order 22 Rule 10 CPC.

On merit by recording the compromise, the appeal of the petitioners was dismissed on both counts. The petitioners-plaintiffs have not been successful before this Court in regular second appeal and in Hon'ble Supreme Court. It is also matter of record that the petitioners-plaintiffs instituted the suit claiming possession by way of pre-emption and the same had also been dismissed on the basis of compromise dated 06.06.2007.

In view of such fact, the impugned order, in my view, cannot be said to be suffering from any illegality or without jurisdiction. The petitioners-plaintiffs cannot be permitted to seek execution after having lost upto the Supreme Court and other round of litigation seeking possession. Resultantly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

November 17, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No