

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

**Civil Revision No.4522 of 2016
Date of Decision:19.09.2018**

Nafe Singh and others

.....Petitioners

Vs

Gram Panchayat Bilaspur and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Amit Jain, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.

[1]. The petitioners have preferred this revision petition against the order dated 04.03.2016 passed by the Civil Judge (Sr. Divn.) Gurgaon (now Gurugram) vide which the application for taking appropriate action against respondents No.2 and 3 for non-compliance of judgment and decree dated 27.02.2013 which was affirmed upto the High Court was declined.

[2]. Perusal of the record would show that vide judgment and decree dated 27.02.2013, suit filed by the plaintiffs/ petitioners against the Gram Panchayat for permanent injunction was decreed. Defendant/Gram Panchayat was restrained from interfering into the possession of the plaintiffs

over the suit land. Defendants were also restrained from dispossessing the plaintiffs in any manner by way of raising any construction or otherwise except in due course of law.

[3]. The appeal filed by the Gram Panchayat was partly allowed. The decree *qua Khasra* Nos.9/1.2, 9/2/2, 17/1, 26/2 (0-1) was set aside, whereas *qua Khasra* Nos.7, 8/2 and remaining land measuring 0 *Kanal* 4 *Marlas* of *Khasra* No.26/2 was upheld vide the judgment and decree dated 23.09.2013 passed by the lower Appellate Court.

[4]. RSA No.266 of 2014 filed against the judgment and decree of the trial Court by the Gram Panchayat and RSA No.357 of 2014 filed by the plaintiffs against the Gram Panchayat were decided by the High Court vide common order dated 26.02.2015. RSA No.266 of 2014 was dismissed, whereas RSA No.357 of 2014 at the instance of plaintiffs was allowed and the judgment and decree of the trial Court was restored. Defendant Gram Panchayat was restrained from interfering in the possession of the plaintiffs in any manner much less raising any construction over the suit property except in due course of law. Liberty was granted to the defendant/Gram Panchayat to seek clarification or modification, in case there was misrepresentation on behalf of the plaintiffs otherwise.

[5]. Plaintiffs filed execution. Defendants No.2 and 3 were additionally arrayed as respondents therein, though they were not party to the decree passed in a suit for permanent injunction. Plaintiffs/decreed-holders sought to execute the decree by alleging that they had requested respondents No.2 and 3 several times to incorporate their names in the revenue record and in the column of possession in place of their father Bihari, but respondents No.2 and 3 in collusion with defendant Gram Panchayat were delaying the matter intentionally and ultimately refused to record their names in the revenue record as per judgments and decrees passed by the Courts in hierarchy.

[6]. The prayer was made to detain the respondents in civil imprisonment and their properties be attached till enforcement of the decree. It was also prayed that respondents No.2 and 3 be directed to incorporate the name of the plaintiffs in revenue record in the column of possession in place of their father Bihari on the basis of judgment and decree passed by the Courts.

[7]. Evidently, the decree was passed only against the Gram Panchayat. No direction was issued in the decree against respondents No.2 and 3. Respondents No.2 and 3 were not privy to the suit for permanent injunction. Relief of permanent injunction is a relief in *personam*. In the absence of any such

direction, the execution of decree in terms of Order 21 Rule 32 CPC against respondents No.2 and 3 cannot be enforced beyond the scope of relief granted in the decree itself. No relief qua correction of revenue record was granted in the decree. The executing Court cannot go behind the decree. In my considered opinion the impugned order dated 04.03.2016 passed by the Civil Judge (Sr. Divn.) Gurgaon (now Gurugram) cannot be interfered with. The petitioners would be at liberty to maintain their execution as against the judgment-debtor i.e. Gram Panchayat against whom the decree was passed in accordance with law.

[8]. With the aforesaid observation, this revision petition is dismissed.

September 19, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No