

It comes out that a decree for permanent injunction was passed in favour of plaintiff-petitioner-decree holder, restraining defendants from dispossessing him from the disputed property. An application was filed for enforcement/execution of judgment and decree dated 16.5.2011 in case titled as *Shamsher Singh Versus Rajdeep Singh and others*, before the Executing Court stating that after passing of judgment, JDs at about 4:00 PM brought bricks, cement, iron rods, labour, mason and in violation of judgment and decree dated 16.5.2011, constructed a room about 1 ½ marlas. In the reply, JDS denied the violation.

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After framing issues, the Executing Court came to conclusion that date of said violation is not mentioned. The reference was made to earlier order passed in another application filed under Order XXXIX Rule 2A Civil Procedure Code, 1908, and it was held that decree holder failed to prove that the judgment and decree was violated after passing of the same. In this case, after recording the evidence, the Executing Court has come to conclusion that violation of judgment and decree, as claimed, has not been proved. There is no illegality or infirmity in the findings recorded by Executing Court in impugned order. Therefore, instant revision is dismissed.

(KULDIP SINGH)
JUDGE

9.2.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No