

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

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CR No.5416 of 2015 (O & M)
Date of Decision:29.05.2018

Suresh Rani

...Petitioner

Versus

Soma Devi alias Pushpa Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vinod Sharma, Advocate
for the petitioner.

Mr. H. S. Bhullar, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

It is correctly said that problems of the decree-holder starts only after a decree has been passed in his favour. This is true in the present case. Decree-holder filed two suits. In the first suit, prayer for passing decree of mandatory injunction was prayed with respect to one room set property alongwith kitchen and toilet. In the second suit, the plaintiff/decreed-holder claimed possession of two rooms. Both the suits were consolidated, issues were framed and the Court decreed both the suit vide judgment dated 22.11.2011. This judgment has been affirmed in the first and second appeal. However, when execution petition was filed, objections were filed on the ground that the decree is only referring to one room set and, therefore, decree cannot be executed with respect to two rooms set. Decree-holder filed an application for amendment of judgment and decree, which was dismissed by the Court on the ground that the order passed by this Court is

filed by the judgment-debtor was dismissed.

Learned counsel for the petitioner has argued that the learned Executing Court is bound to implement decree as it is and in the absence of any modification in the decree, possession of two rooms plus kitchen and toilet could not be ordered to be delivered.

This Court has considered the submission, however, do not find any substance therein. Once while dismissing an application for amendment of judgment and decree, the Court has observed that one room set means the entire property of two rooms with kitchen and toilet and both the suits filed by the decree holder stand decreed and there is no vagueness in the decree passed.

In view of the fact that two suits were filed and both have been decreed, this Court does not find any good ground to interfere with the impugned order passed.

Hence the revision petition is dismissed.

29.05.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No