

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6931 of 2016 (O&M)
Date of Order:29.01.2018

Jarnail Singh and another

..Petitioners

Versus

Shashi Pal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajinder Goyal, Advocate,
for the petitioners.

Mr. Vinod Gupta, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Defendants-Judgment Debtors are in revision petition against the order dated 03.10.2016 passed by the Executing Court dismissing the objections filed by them.

Plaintiff-decree holder filed a suit for possession and permanent injunction claiming that the defendants were tenants in the house in dispute but they are refusing to vacate the residential house. Plaintiff had also referred to the compromise arrived at between the parties, wherein possession of remaining portion of the house was given to the plaintiff except one room which the defendants agreed to vacate by 26.11.2011.

The suit filed by the plaintiff was decreed on 21.01.2015, while passing a decree for possession and permanent injunction.

Plaintiff while giving description of the property had stated as under:-

“1. That a residential house constructed over land measuring 10 marla being 10/40 share of land measuring 2 kanal 0 marla entered at Khewat No.51, Rect. No.25, Killa No.12/2/1/1(2-0) shown in red colour in the site plan dated 25.7.2012 and is bounded as under:-

North: Vacant space of the house of Smt. Narinder

Kaur wife of Jagdev Singh.

South: House of Gian Chand

East: House of Gurtej Singh

West: Kharodi Road

is situated at Ward No.10, Salempur, within the municipal limits of Municipal Committee, Cheeka, Tehsil Guhla, District Kaithal according to registered sale deed no.680 executed on 15.06.1990.”

A reading of the description, which has been extracted above would prove that the suit for possession was filed with respect to 10 marla residential house which was comprised in Killa No.12/2/1/1(2-0). Plaintiff has also identified the suit property by giving the description of the properties which are situated in all the four directions.

Judgment Debtors now want to take the benefit of the fact that the revenue officials has reported that some part of the house is in fact falling in Killa No.11/2. In the considered opinion of this Court, the plea taken by the defendants-judgment debtors is dishonest.

A constructed house is situated in which JDs were inducted as a tenants. Hence, the property is identified. Decree holder while giving details of the property had also identified the properties by giving

description of properties situated on all the four directions.

Still further, it has clearly been mentioned in the plaint that the plaintiff is owner of only 10 marlas of land out of total land measuring 2 kanals.

Once the suit property was identified by giving details of the property on all the four directions and the property is consisting of a residential house, defendants-judgment debtors cannot be heard in saying that since some part of the property falls out of Killa No.12/2/1/1/, therefore, decree is not executable.

In view of the discussion made hereinabove, this Court does not find any good ground to interfere with the impugned order passed by the learned Executing Court.

The revision petition is dismissed.

January 29, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No