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

**Civil Revision No.7328 of 2016
Date of Decision: 31.10.2018**

Pritam Singh

.....Petitioner

Vs

Harinder Singh

....Respondent

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

Present: Mr. Arun Abrol, Advocate
for the petitioner.

Mr. Barrister Rubal Garg, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. In this revision petition, challenge is made to the order dated 21.04.2016 (Annexure P-3), order dated 21.05.2016 (Annexure P-4) and order dated 20.10.2016 (Annexure P-9) passed by the Civil Judge (Jr. Divn.), Patiala in the execution of decree passed in a suit for mandatory injunction.

[2]. A suit for mandatory injunction was filed by the plaintiff/respondent directing the defendant/petitioner to restore 3 *karam* wide passage out of *Khasra* No.35//6 to the land purchased by the plaintiff comprised of *Khasra* Nos.23//24 (8-0) and 35//5 min (6-18) and also to restore the Khall and electric

starter in the original position in village Kishanpura @ Bakshiwala, Tehsil & District, Patiala.

[3]. The suit was decreed and the defendant was directed to restore 3 karam wide passage out of Khasra No.35//6 to the land purchased by the plaintiff comprised of Khasra Nos.23//24(8-0) 35//5 min (6-18) and also to restore the Khall and electric starter in the original position as mentioned in the preceding part of the order.

[4]. At the time of issuance of notice of motion on 03.11.2016, following order was passed by the Co-ordinate Bench of this Court:-

“The present petition directs challenge to orders dated 21.04.2016 (Annexure P3), 21.05.2016 (Annexure P4) and 29.09.2016 (Annexure P9) passed by Civil Judge (JD) Patiala.

Heard.

There is no merit in the petition qua challenge to orders dated 21.04.2016 and 21.05.2016.

Counsel for the petitioner states that he does not press the petition qua challenge to orders dated 21.04.2016 and 21.05.2016 and the petition in this regard may be dismissed as withdrawn. However, it is submitted that though a decree has been passed in favour of the respondent/decreed holder qua khasra No. 35//6 in respect of restoration of a passage of three karam wide but the executing Court has issued warrants of possession in respect of land pertaining to khasra No. 35//6/1.

Notice of motion.

In the meantime, operation of order dated 29.09.2016 shall remain stayed till the next date of hearing. List on 06.12.2016.”

[5]. Apparently, the orders dated 21.04.2016 and 21.05.2016 were not challenged after issuance of notice of motion and revision petition qua the aforesaid orders was got dismissed as withdrawn. The grievance of the petitioner was in respect of order dated 20.10.2016 passed by the Civil Judge (Jr. Divn.) Patiala, whereby warrant of possession was issued in respect of *Khasra* No.35//6/1 which did not correspond to the khasra number mentioned in the decree.

[6]. The perusal of order dated 20.10.2016 would show that the order is totally non-speaking. Following recital was made in the order:-

“Warrant of possession received back un-executed. Warrant of possession be again issued for the land pertaining to Khasra no.35//6/1 for 7.11.2016.”

[7]. In any case, the impugned order does not give correct picture of the controversy with reference to the decree passed and thereafter orders dated 21.04.2016 and 21.05.2016 were also passed by the Civil Judge (Jr. Divn.) Patiala.

[8]. In view of above, I deem it appropriate to direct the trial Court to revisit the order dated 20.10.2016 and pass an appropriate and speaking order by taking into consideration the decree dated 04.05.2013 passed by the trial Court and also

keeping in view the factual position in respect of existing state of affairs of Khasra No.35//6 in accordance with law.

[9]. In view of aforesaid direction, this revision petition is disposed of.

October 31, 2018

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No