

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

CR No.7663 of 2018 (O&M)
Date of decision : 14.11.2018

Ishwar Singh

...Petitioner

Versus

Hukam Chand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Singh Yadav, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Judgment Debtor-petitioner is in the revision petition against the order passed by the learned Executing Court providing police help to the plaintiff-Decree Holder to implement the decree passed and allow the plaintiff to raise boundary wall in accordance with the decree.

The Judgment Debtor had filed the objections which have been dismissed by the Court. Learned counsel for the petitioner submitted that without demarcation, the Executing Court could not have granted the police help as the identification of the property is in dispute.

This Court has seen the judgment passed by the Court while granting the decree. It has been noticed that PW3, a Local Commissioner was appointed during pendency of the suit who prepared the demarcation report Ex.P2 and found that the defendants are in illegal possession of the land adjoining to khasra No.204. The decree passed by the Court is specific

and the property has been duly identified by a site plan Ex.P5. The operative part of the judgment reads as under:-

“20. In view of my aforesaid discussion, the suit of the plaintiff for permanent injunction succeeds and same is hereby decreed with costs, to the effect that the plaintiff is entitled to decree for injunction. The defendants are restrained from digging the foundation or collect building material shown in red colour marked ABCGF in the site plan Ex.P5. Further, the defendants are restrained from interfering into peaceful possession of plaintiff over the suit property marked ABCDE in the site plan Ex.P5 and detailed in para No.1 of the plaint. Decree sheet be prepared accordingly. File be consigned to the record room after due compliance.”

Once, the learned Court before passing a decree had got the land demarcated, the Judgment-Debtor cannot now object to the correctness of the aforesaid demarcation in the execution petition.

Hence, there is no ground to interfere.

Revision petition is dismissed.

14.11.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No