

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

CR No.8103 of 2018

Date of Decision: 29.11.2018

Rajinder Kumar

..... Petitioner

Versus

Dharam Pal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rishabh Gupta, Advocate
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

1. This revision petition is directed against the impugned order dated 31.10.2018 passed by the Ld. Additional Civil Judge (Senior Division), Pathankot in CIS No.EXE/429/2014 titled as “***Dharam Pal vs. Romesh Singh and others***” vide which the objections raised by the present petitioner claiming to have been a tenant under the Judgment Debtor Ramesh Kumar were dismissed by the Ld. Court below with the following observations:-

“6. Here, admittedly, since 2006 to 2017, said objector nowhere figured being tenant or being in possession of any part of suit property. Moreover, alleged correction order dated 11.12.2017 has been passed *exparte* in favour of DH and it nowhere records, as how, on what date, by way of which document, said objector Rajinder Kumar came into possession of suit property being tenant.

7. *So, apparently, the fact stands established on record that, objector/applicant Rajinder Kumar has filed these objection just to frustrate the fruits of decree being passed in favour of DH. Being it so, objections in hand prima-facie are mischievous and false and thereby, stands rejected.*
8. *Thereby, while asking proceedings further, warrants of possession of suit property in favour of DH and in terms of decree dated 23.01.2014 be issued in favour of DH along-with police help for 28.11.2018, with the direction to deliver actual possession of suit land to DH.”*
2. This Court has considered a copy of *Khasra Girdawari* (Annexure P-6) relied upon by the petitioner as also the order dated 11.12.2017 passed by the Assistant Collector, Grade-II, Pathankot (Annexure P-7) in case No.217/A for correction of the *Girdawari* in favour of the applicant.
3. It is seen that such application before the Assistant Collector was filed on 10.04.2017, in which as noted by the Assistant Collector himself, that the applicant had been cultivating on the disputed land “**for the last 2-3 years**”. In such eventuality even by the applicant's own claim the earliest he could have been inducted as a tenant in the disputed land would have been around April, 2014 which itself was almost three months after the original judgment and decree was passed against the original Judgment Debtor on 23.01.2014.
4. In such circumstances, the observation of the Ld. Court below that the objections filed by the applicant were just to frustrate the fruits of the decree being passed in favour of the Decree Holder, would appear to

be well founded.

5. No reason to interfere with the impugned order dated 31.10.2018 is thus, made out.

Dismissed.

November 29, 2018
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No