

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

**ESA No.24 of 2018 (O&M)
Date of decision : April 30, 2018**

Jagmeet Pal Singh

..... Appellant

Versus

Janki Devi (since deceased) through LR and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Satbir Rathore, Advocate for the appellant.

Mr. Anish Setia, Advocate for respondent No.1-Caveator.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present execution second appeal is the judgment dated 30.03.2018 passed by learned Addl. District Judge, Hoshiarpur, affirming the order dated 27.01.2015 passed by learned Addl. Civil Judge (Sr. Divn.), Mukerian, vide which the objections filed by the present petitioner were dismissed.

Heard.

It comes out that a decree for land measuring 1 kanal 6 marlas on the Western side, out of the total suit land measuring 36 kanals 3 marlas as fully detailed in the plaint was granted in favour of the plaintiff. In appeal, the said area was reduced to 19 marlas .

The present petitioner, who happens to be son of J.D., claimed that he owned some property in the said khasra number. Both the Courts below have taken the view that the property claimed by the objector is on the Eastern boundary of the said land whereas the decree is regarding 19 marlas on the Western side of said khasra number. Therefore, the property is different.

Learned counsel for the appellant states that under the garb of the said decree, the possession of his land is being taken and presses that demarcation may be done at the time of delivery of the possession so that only 19 marlas to the Western side is delivered to the decree holder.

It being so, the present appeal is disposed of with a direction that at the time of delivery of the possession, the demarcation will be done to ensure that only 19 marlas of land on the Western side, in terms of the decree shall be delivered. The petitioner will have right to remain present at the time of demarcation. The trial Court is directed to execute the decree within one month from the date of receipt of certified copy of this order.

Since the main appeal has been disposed of, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

April 30, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No