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

CR No. 1731 of 2018 (O&M)
Date of Decision: 16.07.2019

Jagiro

-Petitioner

Vs

Nachattar Singh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.S. Chahal, Advocate,
for the petitioner.

Mr. Sanjeev Goyal, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

1. An application under Order 21 Rule 32 CPC has been dismissed by the Executing Court on the premise that the application was handiwork of Rampal son of Toombi i.e. grandson of Jagiro- decree holder.

2. A suit for permanent injunction was filed by Jagiro against her real sons namely Nachattar Singh and Toombi @ Raju.

3. Toombi appeared in the suit and gave statement that he has no concern with the house in question which was owned and possessed by the plaintiff Jagiro. The suit was decreed vide judgment and decree dated 04.08.2012.

4. Thereafter, an application under Order 21 Rule 32 CPC was filed by Jagiro. It has come on record that Rampal was instrumental in getting the application filed through Jagiro. Jagiro has admitted while appearing as AW4 that she had thumb marked on the proceedings of the Court on the asking of Pala and she had also put her thumb impression wherever Pala had asked her to do so. Cross-examination of Jagiro also shows that she had no enmity with her sons.

5. AW1- Ravi Kumar has also admitted in his cross-examination that he knew the party through Pala only as his son was working with Pala. Pala had called him to depose in the Court. Similarly, AW2 was examined not on account of summons received from the Court, rather he was called by Pala only.

6. Even Pala Ram while appearing as AW3 has admitted in his cross-examination that about 09 years ago, the suit was got filed by him through her grandmother Jagiro against Nachattar Singh and since then he is pursuing the litigation.

7. In view of all these attending circumstances, in my considered opinion, the trial Court has not committed any error of jurisdiction in dismissing the application under Order 21 Rule 32 CPC.

8. No exception can be made out to interfere in this revision petition.

9. This revision petition is accordingly, dismissed.

16.07.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No