

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

CR-7598-2014 (O&M)

Date of Decision:17.10.2019

Mohinder Kaur

... Petitioner

Vs.

Sucha Singh

... Respondent

CORAM : HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Narender Singh Kamboj, Advocate
for the petitioner.

Ms. Kiranjeet Kaur, Advocate for
Mr. Ravindere Malik (Ravi), Advocate
for the respondent.

NIRMALJIT KAUR, J. (Oral)

C.M. No.25063-CII-2014

The application is allowed as prayed for. Exemption as prayed
for is granted subject to all just exceptions.

C.M. No.25062-CII-2014

For the reasons mentioned in the application, the application is
allowed and delay of 65 days in filing the revision petition is condoned.

Main case

Learned counsel for the petitioner contends that as per the
report of the Local Commissioner dated 26.6.2014 (Annexure P-11), Sucha
Singh son of Gehna has occupied the land of the petitioner by raising
construction of a room. Learned counsel for the petitioner insisted that he
was required to be given the possession of the suit land measuring 2 Kanals
along with superstructure but the same if measured is less than 2 Kanals.

Learned counsel for the respondent, on the other hand,
submitted that the petitioner did not raise any objection at that point of time.

However, learned counsel for the parties agree that the matter can be remanded back to the Court of Additional Civil Judge (Sr. Division), Kurukshetra, with the direction that the land handed over to the petitioner in pursuance of the decree be measured once again and in case the land is found to be less than 2 Kanals, respondent-Sucha Singh would be liable to make good the deficiency/shortage or else the decree shall be deemed to have been satisfied in case no shortage is found.

In view of the above, the matter is remanded back to the Court of Additional Civil Judge (Sr. Division), Kurukshetra, with direction to the concerned Executing Court to direct measurement/demarcation of the land handed over to the decree holder in pursuance of the decree to confirm whether the same measures 2 Kanals.

Disposed of accordingly.

17.10.2019
rajeev

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No