

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

Civil Revision No.1603 of 2019  
Date of Decision: March 07, 2019

Narender Singh & another

...Petitioners

Versus

Ran Singh & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr. S.K.Tripathi, Advocate,  
for the petitioners.

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**AMIT RAWAL, J. (Oral)**

The present revision petition is directed against the impugned order dated 01.03.2019 (Annexure P-10), whereby the objections of the petitioners-judgment debtors for execution of the judgment and decree dated 30.08.2014 rendered by the trial Court and modified in appeal by the Lower Appellate Court vide judgment dated 29.07.2017, have been dismissed.

Mr. S.K. Tripathi, learned counsel for the petitioner-defendants submitted that the respondent-plaintiffs filed the suit for injunction. The trial Court, while dismissing the counter-claim, decreed the suit and restrained the petitioner-defendants from interfering and encroaching over the suit property comprised in Khewat No.182, Khatoni No.216, Rect.No.83, 4 kanals 5 marlas, situated in the revenue estate of Dharan, Tehsil Bawal, District Rewari with further direction to dismantle the construction raised over the aforementioned property and hand over the vacant possession to the plaintiffs. However, in appeal, Lower Appellate

Court directed the petitioners to restore the wall to its original position within three months at their own expenses. Regular Second Appeal No.5542 of 2018 was filed, which was dismissed in default on 15.01.2019. An application for restoration of the same has been filed which is still pending as the petitioners, who were appellants in the aforementioned appeal, filed a better affidavit in support of the application seeking condonation of delay of 333 days. In fact, the decree has erroneously been passed and there was no violation of the same, yet the respondent-plaintiffs sought the execution of the same. The trial Court was required to frame the issues and give opportunity to lead evidence.

I am afraid, the aforementioned argument is not sustainable, for, the petitioners would not be able to obtain the interim order by not filing the appeal within time and were cavalier in approaching the Court after 333 days. The procedure adopted for filing the objections tantamounts to circumvent the process of the court which is not permissible under law.

For the reasons mentioned above, the impugned order cannot be said to be suffering from any illegality or perversity. No ground for interference is made out. Resultantly, the revision petition is dismissed.

**March 07, 2019**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**