

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1708 of 2019(O&M)
Date of Decision: 21.08.2019

Kamal Dev	Petitioner
Versus	
Karam Chand and others	Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Madan Lal Saini, Advocate
for the petitioner.

None for the respondents.

RAJ MOHAN SINGH, J.(Oral)

[1]. There was a decree in favour of the decree holder for demolition of construction of wall between AB and AD and construction between points EFGH in khasra No.20//27 (0-4). The suit was decreed on 05.03.2013. Judgment debtor remained unsuccessful before the First Appellate Court and the appeal was dismissed on 28.03.2014. In execution of the decree, warrants of possession were issued.

[2]. It appears from the record that judgment debtor has adopted indirect method to obstruct the execution unlawfully by approaching the office of Director Panchayat, Mohali for exchange of khasra No.20//27 (0-4) with the land of the Gram

Panchayat. The resolution passed by the Gram Panchayat on the asking of Block Development Panchayat Officer is also on questionable note. Judgment debtor cannot be allowed to circumvent the decree lawfully passed by the Civil Court which was upheld by the First Appellate Court. Even Regular Second Appeal before the High Court was also dismissed.

[3]. The application filed by the judgment debtor to the Director Panchayat, Mohali on 12.06.2017 after passing of the Civil Court decree is nothing, but an abuse of process of law. In execution of the decree, even the judgment debtor filed the objections which were dismissed on 09.05.2017 by the executing Court. Thereafter, the application came to be filed before the Director Panchayat. Order dated 09.05.2017 passed by the executing Court has already attained finality. Even the decree has been upheld by the Courts in hierarchy upto the Regular Second Appeal.

[4]. In view of aforesaid position, the prayer made by the petitioner in this revision petition cannot be entertained. This revision petition is accordingly dismissed.

21.08.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking **Yes/No**

Whether reportable **Yes/No**