

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1682 of 2019(O&M)
Date of Decision: 12.03.2019

Atma Singh

.....Petitioner

Versus

Ajit Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has raked up the issue in respect of house constructed over the part of the suit property which was agreed to be sold along with cultivable portion of the land.

[2]. Since the house was inclusive of the property which was agreed to be sold, therefore no such objection can be entertained at this stage, particularly when the executing Court cannot go behind the decree. No separate value of the house is required to be assessed for giving delivery of possession to the decree holder.

[3]. The application filed by the judgment debtor for

recalling of order dated 06.02.2019 in my considered opinion is bereft of merits. The suit of the plaintiff was decreed in toto including constructed portion of the land. The ambiguity, if any, in the decree could have been rectified in the main proceedings which have already culminated upto the High Court in RSA No.323 of 2018.

[4]. In view of above, no indulgence can be granted in favour of the petitioner. This revision petition is accordingly dismissed.

12.03.2019

Prince

(RAJ MOHAN SINGH)

JUDGE

Whether reasoned/speaking

Whether reportable

Yes/No

Yes/No