

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

**CR No.3118 of 2019 (O&M)**

**Date of Decision : 13.05.2019**

**Satnam Singh**

..... Petitioner

Versus

**Jamal Masih (deceased) through LR and another**

..... Respondents

**CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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

**SUDIP AHLUWALIA, J. (ORAL)**

1. This revision is directed against the impugned order dated 18.01.2019 passed by the Ld. Civil Judge (Senior Division), Gurdaspur in the Execution Application arising out of the Civil Suit No.327 dated 28.05.1997.
2. The petitioner happens to be the original defendant as well as the Judgment Debtor in the said proceedings. The suit for mandatory injunction was decreed against him on 27.03.2002 and the appeal preferred against the same was dismissed on 02.05.2009.
3. In execution, he, along with his co-respondent, filed objections, vide application dated 21.05.2011 (Annexure P-4) which were dismissed vide the impugned order.
4. The principal grounds on which the execution was opposed were that one of the co-sharers of the disputed property, namely, Ranjit Singh, was not made a party in the suit, nor any decree was passed against him; that no demarcation of the street had been got done by the Decree

Holder before filing of the suit, and as such the decree was not executed in absence of such demarcation or the relevant specifications regarding length and breadth of the public street concerned; that the Decree Holder had not raised any objection when the Pucca street was constructed, and also that all the Legal Representatives of the deceased Decree Holder, Jamal Masih had not signed or verified the execution.

5. The Ld. Court below was right in dismissing the objections by observing *inter alia* that the alleged defects of non-joinder of necessary parties or lack of demarcation prior to filing of the suit were all factors which an Executing Court could not look into, since it is not competent to go behind the decree. Even otherwise, the contention that some of the legal heirs of the original decree holder may not have signed or verified the execution application has no substantive value to avoid execution of the decree existence of which is otherwise undisputed.

6. For the aforesaid reasons, this Court finds no grounds to interfere with the impugned order passed by the Ld. Civil Judge (Senior Division), Gurdaspur and thus, the present petition stands dismissed.

**CM No.10731-CII of 2019**

In view of the dismissal of the main revision petition itself, the present application seeking impleadment of legal representatives of respondent No.2, becomes redundant and is, therefore, dismissed as such.

**(SUDIP AHLUWALIA)**  
**JUDGE**

**May 13, 2019**

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |