

103
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/4/2019 15:12
I attest to the accuracy and
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CR-2782-2019 (O/M)
Date of decision : 7.5.2019

Azad Singh Petitioner (s)

Versus

Hukam Chand and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. J.S. Yadav, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Heard.

Impugned in present revision is order dated 23.1.2019 (Annexure-P-7), passed by learned Civil Judge (Junior Division), Rewari, vide which objection filed by Azad Singh and Badan Singh, brothers of one of JDs Ishwar Singh, was dismissed.

It comes out that a decree for permanent injunction was passed by learned Additional Civil Judge (Senior Division), Rewari, on 22.4.2011, for restraining JDs-defendants from digging foundation or collect building material on the site shown in red colour marked as ABCGF in the site plan Ex.P5. JDs-defendants were also restrained from interfering in peaceful possession of suit land. It also comes out that earlier JDs-defendants filed objections before executing court, which were dismissed on 15.10.2018 and order was upheld by this Court in Civil Revision, holding that land was demarcated and JD cannot object to correctness of demarcation in execution proceedings. Now, two brothers of JD, namely, Azad Singh and Badan Singh, filed objections, stating that khasra No. 204/1, measuring 1 kanal, 8 marla, was not partitioned till date

and was wrongly mentioned in suit property. One of objectors, namely, Badan Singh had withdrawn objection. Only Azad Singh (objector) is pressing objection and has filed present revision.

I am of the view that decree is for permanent injunction. It is only binding on JDs-defendants and not on third party. Therefore, objections of third party claiming that land was not partitioned till date are devoid of any merit. The injunction is to be strictly enforced against JDs and not against third party. Objections were found to be frivolous and were rightly dismissed by trial Court. There is no merit in revision. Thus, revision is dismissed.

(KULDIP SINGH)
JUDGE

7.5.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No