

259

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

**Civil Revision No.4043 of 2019 (O&M)
Date of Decision: 13.11.2019**

PRITAM SINGH

.....Petitioner

Vs

HARINDER SINGH

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Arun Abrol, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 16.05.2019 passed by the Civil Judge (Jr. Divn.) Patiala.

[2]. Earlier CR No.7328 of 2016 was filed by the petitioner assailing the orders dated 21.04.2016, 21.05.2016 and 20.10.2016 passed by the Civil Judge (Jr. Divn.) Patiala in the execution of decree passed in a suit for mandatory injunction.

[3]. Suit for mandatory injunction filed by the plaintiff/respondent was decreed vide judgment and decree dated 14.05.2013 and the defendant/petitioner was directed to restore 3 karams wide passage out of Khasra No.35//6 to the land of the plaintiff/respondent comprised in Khasra No.23//24(8-0),

35//5 min (6-18) and also to restore the *Khaal* and electric starter in the original position in village Kishanpura @ Bakshiwala.

[4]. Notice of motion was issued in the aforesaid revision petition on 03.11.201 and during course of arguments the petitioner withdrew the revision petition qua challenge to the orders dated 21.04.2016 and 21.05.2016. Consequently, the revision petition was dismissed as withdrawn qua challenge to the aforesaid orders.

[5]. Learned counsel for the petitioner submitted that the decree was passed in favour of decree holder qua Khasra No.35//6 in respect of restoration of passage of 3 *karams* wide, but the executing Court had issued warrants of possession in respect of land pertaining to *Khasra* No.35//6/1.

[6]. Precisely the said contention was the subject matter of main course i.e. the suit as well as the appeal against the judgment and decree dated 14.05.2013 which was dismissed by the lower Appellate Court. Even the objections filed by the petitioner were also dismissed and revision petition qua those orders was not pressed. It was only due to the non-speaking aspect of the order dated 20.10.2016, this Court was pleased to direct the executing Court to revisit the order dated 20.10.2016 and pass an appropriate speaking order by taking into

consideration the decree passed by the trial Court and the factual position existing qua khasra No.35//6 in accordance with law.

[7]. In view of aforesaid, the findings recorded by the executing Court with reference to the litigation on record do not call for any interference at the hands of this Court. There has to be an end of litigation somewhere in order to give finality to the litigation. This revision petition is accordingly dismissed.

November 13, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No