

Jaggi Singh

.....Petitioner

Versus

Rattan Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. B.S. Tewatia, Advocate and
Mr. J.R. Dhankar, Advocate, for the petitioner.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition is filed against the order dated 14.11.2018 passed by the Civil Judge (Jr. Divn.), Palwal as well as the order dated 14.5.2019 passed by the Additional District Judge, Palwal, whereby the injunction application moved by the plaintiff-respondents was allowed and the appeal against the said order filed by the petitioner-defendant was dismissed.

While praying for setting aside the aforesaid orders, learned counsel for the petitioner submitted that the respondents have encroached upon his Killa No.7/1, whereas, it is the specific stand of the plaintiff-respondents as is evident from the orders of the trial Court that they have nothing to do with Killa No.7/2 and the decree is also only qua Killa No.7/2. Hence, the petitioner cannot restrain the respondents from constructing their house over Killa No.7/1. The position of the petitioner herein already stands safe guarded in view of the order dated 30.7.2019 passed by the Executing Court, which has been brought to the notice of this

Court by the petitioner herein, wherein, the Executing Court in

the execution of the decree dated 29.1.2016, has already proceeded to ascertain the truth with respect to the encroachment, if any, by allowing the respective parties as per their burden of proof to prove their respective stand. Meanwhile, in view of the clear stand of the respondents that they are not interfering in Killa No.7/2, this Court finds no ground to interfere in the impugned orders dated 14.11.2018 and 14.5.2019.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

28.8.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No