

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

Date of decision: 09.09.2019

1. CR No.5539 of 2019

Mohinder Singh

...Petitioner

Versus

Shamsher Singh and others

...Respondents

2. CR No.5549 of 2019

Mohinder Singh

...Petitioner

Versus

Shamsher Singh and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. G.S. Madaan, Advocate,
for the petitioner(s).

Ritu Bahri, J.

This order shall dispose of Civil Revision Nos.5539 and 5549 of 2019 together as common questions of law and facts are involve in both the petitions.

Challenge in these petitions is to the order(s) dated 30.07.2019 (Annexure P-6) passed by the executing Court (Additional Civil Judge, Junior Division, Jagraon), whereby objections filed by JD No.3-petitioner have been dismissed and warrants of possession has been issued in favour of the decree holders.

Learned counsel for the petitioner(s) contends that suit of

plaintiffs-decree holders was decreed vide judgment dated 18.09.2017 and they could not get possession of the property, until the partition proceedings were finalized.

A perusal of the judgment dated 18.09.2017 passed by the trial Court shows that plaintiffs-decree holders have deposited the requisite amount of mortgage and they were held entitled to delivery of possession of land measuring 6 bighas comprising in khewat/khatoni Nos.2148 min/614 on depositing the mortgage amount. Possession of the plaintiffs was to be that of co-sharers, subject to partition of joint khewat.

Keeping in view the aforesaid judgment passed by the trial Court, objections of the petitioners have been rightly dismissed by the executing Court. Moreover, the plaintiffs (decree holders) have already deposited the mortgage amount. In this view of the matter, having examined the impugned order(s), no illegality, much less irregularity, has been found therein warranting interference by this Court.

Resultantly, finding no merits, present appeals i.e. Civil Revision Nos.5539 and 5549 of 2019 are dismissed.

09.09.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No