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

CR No. 1880 of 2020 (O&M)

Date of Decision:19.01.2021

Naveen Rana and others

.....Petitioners

Versus

Jitender and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sandeep Sharma, Advocate
for the petitioners.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This revision petition has been filed for setting aside orders dated 14.12.2017, 29.01.2020, 12.02.2020 and 27.02.2020, Annexure P-4, passed by the learned Civil Judge (Jr. Division), Gurgaon, to the extent warrant of possession has been issued.

A perusal of the paper-book reveals that various orders have been attached as Annexure P-4, collectively. Order dated 14.12.2017, deals with the proposed site plan/report. Order dated 29.01.2020 has been passed by the learned Civil Judge (Jr. Division), Gurugram, on an application under Section 151/152 CPC for carrying out some correction in final decree dated 03.10.2017. Warrant of possession has been issued vide order dated 12.02.2020 and again on 27.02.2020.

Learned counsel for the petitioners submits that it is only the issuance of warrant of possession which has been challenged in this revision petition.

Learned counsel for the petitioners is unable to deny that respondents filed a suit for partition, which was decreed by the learned Civil Judge (Jr. Division), Gurugram on 21.05.2015. Said preliminary decree dated 21.05.2015, it is not denied, has attained finality as no appeal etc., has been preferred by the present petitioners. Pursuant to passing of preliminary decree dated 21.05.2015, application for issuance of final decree was allowed by the learned Civil Judge (Jr. Division), Gurugram on 03.10.2017, Annexure P-1. Present petitioners were proceeded *ex parte*. Petitioners appeal against judgement and decree dated 03.10.2017, was also dismissed by the learned Additional District Judge, Gurugram on 30.10.2019.

During pendency of this revision petition, regular second appeal is stated to have been filed by the petitioners, challenging judgements and decrees dated 03.10.2017 and 30.10.2019, though the same is not yet listed for hearing. Learned counsel for the petitioners is unable to point out any ground for interference. I do not find any illegality, infirmity or perversity in the issuance of warrants of possession in the given factual matrix. It is not for this Court, in exercise of revisional jurisdiction to go into the question of correctness or otherwise of the local commissioners report etc., especially keeping in view the facts as narrated in the foregoing paras.

Keeping in view the facts and circumstances as above, I do not find any ground whatsoever to interfere in the exercise of revisional jurisdiction for setting aside orders dated 12.02.2020 and 27.02.2020, whereby warrant of possession has been issued.

Revision petition is accordingly dismissed. Needless to say, petitioners are at liberty to pursue the regular second appeal stated to have filed by them in accordance with law and any observations made in this

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order, obviously have no bearing on the same.

Revision petition is accordingly dismissed.

19.01.2021
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.