

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3353 of 2013 (O&M)

Date of Decision: 31.08.2022

Varinder Singh and Another

... Petitioner(s)

Versus

Sant Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Malkiat Singh, Advocate
for the petitioner(s).

Mr. S.S.Salar, Advocate
for the respondent No.1 to 3.

Anil Kshetarpal, J.

1. While questioning the correctness of the interlocutory order passed by the Executing Court, the judgment debtor, through his legal heirs, has filed the present revision petition.

2. There is a judgment and decree passed on 07.06.2000 restraining the judgment debtors from encroaching upon any area belonging to the decree holder and to remove construction from the plot measuring 6 marlas. There are as many as three judgments debtors, namely Sh.Amrik Singh, Sh.Jita alias Jita Singh and Sh.Puran Kumar, who have been ordered to vacate the encroachment. In the Execution Petition filed for execution of the decree, the Court appointed a Local Commissioner, who only demarcated the property of Sh.Amrik Singh. The Executing Court found that the demarcation of the entire area is required to be carried out. The

petitioners' application for review of the aforesaid order has also been

dismissed.

3. Heard the learned counsel representing the parties and with their able assistance, perused the paper-book.

4. The learned counsel representing the petitioners contends that the Executing Court has no power to order the demarcation of the entire area. In order to implement the decree, the Court is required to examine the entire facts particularly when the decree is for removal of encroachment.

5. Keeping in view the aforesaid order, no ground is made out to interfere. Hence, the present revision petition is dismissed. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 31, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No