

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

141+386

CR No.5746 of 2017 (O&M)

Date of decision: 09.08.2022

Ram Kishan

..Petitioner

Versus

Lal Singh and ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Vir Yadav, Sr. Advocate with
Mr. Tarun Yadav, Advocate for the petitioner.

Mr. Rajesh Arora, Advocate for respondent No.2/applicant.

Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

CM No.9504-CII of 2022

Allowed as prayed for. Annexure R-2/1 to R-2/4 are taken on record, subject to all just exceptions.

Main Case

The petitioner is a decree holder. He complains that the judgment and decree dated 12.09.1994 has not been implemented.

The petitioner and the respondents are neighbours. The petitioner herein is owner of land comprised in Khasra No.25/1 whereas the respondents are owners of the land comprised in Khasra No.25/2.

The executing Court has held that the decree has been complied with and consequently, the execution petition was dismissed.

Learned counsel representing the petitioner has drawn the attention of the Court to two photographs Annexure P9(1) which show that there is a boundary wall of the house which is stated to be belonging to the respondents. It has been stated that but for giving a small opening, the

remaining part of the wall has not been demolished.

On the other hand, learned counsel representing respondent No.2 submits that the petitioner is not entitled to any part of the respondents' property.

Keeping in view the aforesaid facts, the Court is required to examine whether the un-demolished part of the front wall falls in Khasra No.25/1 or 25/2. Hence, the Tehsildar, Pataudi, is requested to re-demarcate the area and furnish a report within one month from today to the executing Court. The executing Court after receipt of report will proceed to re-decide the execution application. Learned State counsel has been requested to inform Tehsildar, Pataudi, in this regard.

Disposed of.

Let a copy of the order be supplied to the learned State counsel under the signatures of the Bench Secretary.

All the pending miscellaneous applications, if any, are also disposed of.

August 09th, 2022

ashok

**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>