

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

CR-6247-2017 (O&M)

Date of decision: 14.09.2022

Rajinder

...Petitioner

Versus

Raj Bala @ Rajpati

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Singh Ghangas, Advocate for the petitioner

Mr. Surinder Saini, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The petitioner herein is a judgment debtor. The suit filed by the decree-holder, for grant of decree of possession with respect to the property identified with letters ABCD, in the site plan attached with the plaint, was decreed on 15.05.2012. The first appeal as well as the second appeal filed by the judgment debtor have been dismissed. Even the Special Leave Petition filed by the petitioner has also been dismissed. In execution petition, the court has issued fresh warrants of possession while dismissing the objection petition filed by the petitioner.

Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

Learned counsel representing the petitioner contends that the decree is with respect to 1/5th share of a joint house constructed over a plot measuring 220 square yards. He submits that without seeking partition, the warrants of possession could not have been issued.

Admittedly, the petitioner herein is not one of the co-owners of the property. Moreover, in the present case, the decree is with respect

to 1/5th portion of the house, which is identified with the letters ABCD in the site plan, attached with the plaint. Thus, the decree-holder is entitled to the possession of the specified property marked as ABCD, as decreed in his favour. Hence, no ground to interfere is made out.

Dismissed.

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

14.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE