

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7600 of 2018

Date of Decision: 07.07.2022

Dhan Singh

... Petitioner(s)

Versus

Deepi and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vikas Kumar, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner's execution petition under Order XXI Rule 32 CPC has been dismissed by both the Courts below. The aforesaid execution petition was filed by the petitioner while complaining that a decree for permanent injunction passed in his favour has been willfully violated. The decree, so passed, was with respect to a plot in residential area of the village and the trial Court restrained the defendants from interfering in possession of the plaintiff. The execution petition was filed complaining that the defendants, in the suit (judgment debtors in the execution petition), have forcibly constructed a passage through the suit land.

2. Both the Courts below, on appreciation of evidence, have found that the petitioner has failed to prove that the passage was constructed after the decree was passed which is *sine qua non* for initiating the proceedings under Order XXI Rule 32 CPC. In fact, it has come on record that the Sub Divisional Magistrate in its order passed in the year 2003 has recorded that the passage/road is in existence.

3. In view of the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

July 07, 2022
“DK”

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