

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

119

**CR-1499-2022**

**Decided on : 27.04.2022**

Harbhajan Singh

... Petitioner(s)

Versus

Harcharan Singh and another

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**(Through Video Conferencing)**

PRESENT: Mr. Jagjit Singh, Advocate  
for the petitioner(s).

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**MANJARI NEHRU KAUL, J. (Oral)**

The instant revision petition has been filed under Article 227 of the Constitution of India, for setting aside the order dated 01.04.2022 (Annexure P-7), passed by the learned Civil Judge (Jr. Divn.), Baba Bakala Sahib, District Amritsar, in Exe-13-2020, vide which the objections dated 08.03.2022, filed by the petitioner, were dismissed.

A few facts necessary for adjudication of the case may be noticed. The respondents/decreed holders filed a suit for mandatory injunction before the Civil Court below, seeking directions to the petitioner/judgment debtor to restore two Karams wide passage shown in red in the private site plan situated on the eastern side of Killa Nos.25//17/2 and 25//24/1, Khata Khatauni No. 99/131, 46/62 as per Jamabandi for the year 1987-88, situated in village Bhaini Bedeshan, Tehsil Baba Bakala, District Amritsar. The suit of the respondents/decreed holders was decreed vide order dated 14.09.2017 (Annexure P-1). An appeal was preferred by the petitioner/judgment debtor before the learned Addl. District Judge, Tarn

Taran, which too was dismissed vide order dated 30.10.2018 (Annexure P-

2). Thereafter, the petitioner/judgment debtor approached this Court by way of RSA No. 1098 of 2019. The said RSA is pending adjudication before this Court. During the pendency of the aforementioned RSA, an application under Order 21 Rule 35 read with Section 151 CPC was filed by the respondents/decreed holders, for execution of the decree of mandatory injunction dated 14.09.2017. The petitioner/judgment debtor raised objections against the aforementioned execution petition, which as already observed hereinabove, was dismissed vide impugned order dated 01.04.2022 (Annexure P-7).

Learned counsel for the petitioner/judgment debtor *inter alia* contends that since the judgment and decree passed by the trial Court vide order dated 14.09.2017 (Annexure P-1) and upheld by the lower Appellate Court vide order dated 30.10.2018 (Annexure P-2), was non-speaking and unreasonable, it deserved not to be executed. It was submitted that the petitioner/judgment debtor had a *prima facie* case in his favour, which was erroneously ignored by the executing Court while dismissing his objections in the execution application.

I have heard learned counsel and perused the relevant material on record.

A pointed query was put to the learned counsel as to what was the status of RSA No. 1098 of 2019, which was pending before this Court, and whether any interim relief had been granted or any stay ordered by this Court. Learned counsel very fairly conceded that this Court had not stayed the impugned judgment and decree in RSA No.1098 of 2019. Coming to next contention of the learned counsel that the judgment and decree was a non-speaking one, cannot be gone into while deciding the objections filed

by the judgment debtor. The Court below has not committed any illegality by rightly observing that as per the settled law, the executing Court has no option, but to follow the decree and thus it would not travel beyond the expression of decree.

Accordingly, the revision petition stands dismissed being devoid of merits.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**April 27, 2022**

*J.Ram*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: Yes/No*